Jews, Gentiles, and Other Animals

The Talmud After the Humanities

Mira Beth Wasserman

Jews, Gentiles, and Other Animals

DIVINATIONS: REREADING LATE ANCIENT RELIGION

SERIES EDITORS

Daniel Boyarin
Virginia Burrus
Derek Krueger

A complete list of books in the series is available from the publisher.

Jews, Gentiles, and Other Animals

THE TALMUD AFTER THE HUMANITIES

Mira Beth Wasserman

PENN

UNIVERSITY OF PENNSYLVANIA PRESS *Philadelphia*

THIS BOOK IS MADE POSSIBLE BY A COLLABORATIVE GRANT FROM THE ANDREW W. MELLON FOUNDATION.

Copyright © 2017 University of Pennsylvania Press

All rights reserved. Except for brief quotations used for purposes of review or scholarly citation, none of this book may be reproduced in any form by any means without written permission from the publisher.

Published by
University of Pennsylvania Press
Philadelphia, Pennsylvania 19104-4112
www.upenn.edu/pennpress

Printed in the United States of America
on acid-free paper

10 9 8 7 6 5 4 3 2 1

Library of Congress Cataloging-in-Publication Data

Names: Wasserman, Mira, author.
Title: Jews, Gentiles, and other animals : the Talmud after the humanities / Mira Beth Wasserman.
Other titles: Divinations.
Description: 1st edition. | Philadelphia : University of Pennsylvania Press, [2017] | Series: Divinations: rereading late ancient religion | Includes bibliographical references and index.
Identifiers: LCCN 2016053773 | ISBN 9780812249200 (hardcover : alk. paper)
Subjects: LCSH: Talmud. Avoda zara—Criticism, Textual. | Talmud. Avoda zara—Criticism, interpretation, etc. | Gentiles in rabbinical literature. | Theological anthropology—Judaism. | Judaism—Relations.
Classification: LCC BM506.A17 W37 2017 | DDC 296.1/254—dc23
LC record available at https://lccn.loc.gov/2016053773

For the Weitzman brothers:
Na'or Baruch
Lev Hananyah
Hillel Adar
Yosef Gavriel

This page intentionally left blank

CONTENTS

A Note on Sources, Usage, and Transliteration ix

Introduction 1
1. The Sense of a Beginning 36
2. Jews, Gentiles, and Other Animals 73
3. Leaky Vessels 120
4. Ethics and Objects 166
5. The Last Laugh 213

Notes 243
Index 297
Acknowledgments 313

This page intentionally left blank

A NOTE ON SOURCES, USAGE, AND TRANSLITERATION

All of my citations from the Babylonian Talmud, Tractate ʿAvoda Zara (AZ), are from the JTS Rab. 15 manuscript, unless I specify otherwise. Wherever possible, my citations of the Mishna reflect the versions preserved in talmudic manuscripts. Where there is significant variation among the manuscript traditions for a particular source, I indicate as much in the notes. My talmudic citations are all drawn from The Sol and Evelyn Henkind Talmud Text Databank, an invaluable resource provided by the The Saul Lieberman Institute of Talmud Research of the Jewish Theological Seminary. Wherever possible, I have checked the transcriptions against photocopies of the manuscripts.

Unless otherwise noted, the translations are my own, though I often consult with the Soncino translation into English and with the Steinsaltz translation into Hebrew. For biblical texts, I consult the New JPS translation. I use brackets to indicate glosses and expansions within the translations.

In referring to rabbinic texts, I use "m." to refer to a passage from the Mishna; "t." to refer to a passage from the Tosefta; "y." to refer to a passage from the Yerushalmi, or Palestinian Talmud; and "b." to refer to the Babylonian Talmud. When "Mishna" is capitalized it refers to the work as a whole; "mishna" refers to an individual statement within the Mishna. I use the terms "Talmud," "Gemara," and "Bavli" interchangeably to refer to the Babylonian Talmud.

I have adopted a system of transliteration that allows me to distinguish among the following consonants in rendering Hebrew or Aramaic words and phrases:

ʾ = א ʿ = ע tz = צ

ḥ = ח kh = כ

Vowels and other consonants are expressed phonetically. I do not transliterate final "ה" and "א." Prefixes are set off with a hyphen. For some familiar proper names, however, I employ the conventional spellings rather than this transliteration system.

Jews, Gentiles, and Other Animals

This page intentionally left blank

Introduction

But of this frame, the bearing and the ties,
The strong connections, nice dependencies,
Gradations just, has thy pervading soul
Look'd thro? Or can a part contain the whole?

—Alexander Pope, "An Essay on Man: Epistle I"

STRANGE BEDFELLOWS

According to legend, a precious stone was once lost from the sacred vestments of the high priest, and a contingent of sages set out from the Jerusalem Temple to find a replacement. They traveled all the way to the coastal city of Ashkelon, where a non-Jew named Dama ben Netina was known to possess just the type of gem they were seeking. Intent to secure the stone, the sages offered Dama an exorbitant sum—600,000 dinar, or some say 800,000. Dama demurred. He explained that his elderly father was sleeping, and the key to the jewel box was under his pillow. The sages would not be put off. They proposed a higher sum, and then an even higher one. Still, Dama refused to disturb his father. The sages departed empty-handed. It was not long, however, until they had reason to return. The following year, a red heifer was born into Dama's herd. This was a rare and momentous event—only the sacrifice of a red heifer could release Israel from impurity, and sometimes generations passed without such a birth. Dama knew there was no limit to the price his precious new calf could fetch, and yet he told the sages of Jerusalem, "I ask only for the sum that I lost for the sake of my father."[1]

The story of Dama ben Netina is one of many accounts of interactions between Jews and non-Jews that appear within the pages of the Babylonian Talmud's Tractate ʿAvoda Zara, the work that is the focus of this book. The legend offers a sympathetic, even admiring depiction of a non-Jew, and in this it is exceptional—much of the material

in this tractate presents a much harsher view of Gentiles. Dama's story nonetheless serves as a fitting introduction to this book because it exemplifies many of the themes and interpretive challenges that I explore in reading the Talmud within the broad context of humanistic scholarship.

Jews, Gentiles, and Other Animals emerges from two different scholarly worlds, and seeks to make a contribution to both of them. The first is the world of academic talmudic studies, an area that has been electrified in recent decades by new sets of questions and new frontiers of research. The second is the wider world of the humanities, and specifically those areas of critical theory now engaged in interrogating and revising conceptions of the human being. In the interest of bringing readers from these two fields into conversation, before turning back to Dama's story and to the central argument of this book, it will be helpful to offer brief words of introduction to both the Talmud and to post-humanities scholarship.

Properly speaking, there are two Talmuds: the Palestinian Talmud and the Babylonian Talmud. Both Talmuds are organized as commentaries on an earlier rabbinic work, the Mishna, which was edited in Palestine around 200 CE. The Mishna is a relatively slim compendium of legal rulings and debates that preserves the teachings of the earliest generations of rabbis, the Tannaim. It is organized topically and composed of six large sections, called "Orders" (in Hebrew, *sedarim*). The topics of the Orders are agricultural law; the ritual calendar; laws of marriage; civil and criminal jurisprudence; dietary law; and purity law. Each Order is divided into tractates (in Hebrew, *masekhtot*), and the tractates are divided into chapters. Chapters are composed of shorter units called *mishnayot* (the singular is *mishna*, just like the name of the whole corpus). Many but not all of the tractates of the Mishna generate talmudic tractates, book-length collections of deliberations that elaborate on the mishnayot by bringing them into conversation with biblical material and with other rabbinic traditions. The Palestinian Talmud was edited in Palestine in the fifth century CE, and the Babylonian Talmud was edited during the sixth and seventh centuries CE, in Babylonia. Both Talmuds transmit the teachings of rabbis who lived during the third through fifth centuries CE and who are collectively known as the Amoraim.

The tractate that is the focus of this study, ʿAvoda Zara, is part of the Order dedicated to civil and criminal jurisprudence. It has five chapters. ʿAvoda Zara is treated in both the Palestinian and

Babylonian Talmuds, but in this book I focus exclusively on the Babylonian version of the tractate, Bavli ʿAvoda Zara (henceforth, AZ). *ʿAvoda zara* is the rabbinic term for idolatry; it literally means "foreign worship." I argue that in the context of the Babylonian Talmud, this title is a misnomer, and that AZ is not centrally concerned with idolatry but rather engages a much broader set of concerns about relationships between Jews and non-Jews.

Of the two Talmuds, the Babylonian Talmud is far longer, richer, and more compositionally complex than its Palestinian counterpart. Much of its content is organized into dialectical exchanges or *sugyot* (singular, *sugya*) that juxtapose conflicting legal opinions of Tannaim or Amoraim, and then propose resolutions of the apparent discrepancies. Alongside these complex exchanges about legal matters is a wealth of other material, including stories about the lives of the Tannaim and Amoraim, exegesis of Scripture, legends, recipes, remedies, blessings, and more. The Babylonian Talmud has served as the center of the traditional rabbinical curriculum since the early medieval period, displacing its Palestinian counterpart to such a degree that it came to be known as "*the* Talmud," though it is also sometimes known affectionately as "the Bavli," or "the Babylonian."

Jewish legal tradition is rooted in the Babylonian Talmud, and for most of its history the Bavli has been read primarily as a work of Jewish law, both in the traditional world of rabbinical academies and in critical academic scholarship. It is only during the last twenty years that scholars have begun to think critically about what precisely the Talmud is: Is it a mode of inquiry, a cultural project, or a work of literature?[2] Is it most effectively approached as a legal text, a novel, or an encyclopedia? *Jews, Gentiles, and Other Animals* joins a growing number of studies that approach the Talmud as literature, and is one of the first to offer a sustained reading of an entire talmudic tractate.

In this book, I use the organization of AZ as a frame for investigating compositional aspects of the Bavli as a whole. The Bavli is known for its habit of digressing from the mishnayot it purports to interpret, sometimes veering away from the topic at hand to delve deep into the implications of minutiae of law, and sometimes taking leave of the legal discussion altogether to pursue narrative flights of fancy. The central argument of this book is that in the case of AZ, there is a logic to the Bavli's frequent digressions from the mishnayot under discussion, that a single overarching theme unifies the talmudic tractate as whole. AZ is a work of rabbinic anthropology. Wending its way

through the talmudic tractate is a sustained deliberation about what distinguishes Jews from other people, and about what all people share in common. I track the development of this discussion through AZ, investigating what the Bavli says about the human condition and how the Bavli says it. Through this exercise, I seek to advance the field of talmudic studies by demonstrating a degree of editorial intervention and artistry at the level of the tractate that has not previously been observed.

The second scholarly world this book addresses is the wider world of the humanities, and here my contribution is not to ratify any particular conclusion, but rather to open a conversation. Today the very category of the human is beset with questions. Since the Enlightenment, the human being has been the measure of all things in the West, and the pursuit of human freedom and flourishing has provided the ultimate grounding for all thought and action. While the human being continues to reign supreme in Western political life, within the academy there is a growing chorus of critique, challenging the underlying assumptions that promote the individual human subject as the ultimate arbiter of ethics, and also exposing some devastating effects of Enlightenment's humanism. Some critics of humanism argue that the elevation of the human being has led inexorably to the degradation of other forms of life and ravaged the planet. Others point out that the concept of the human being as an autonomous subject is a blinkered vision—it not only excludes many humans (children, people with intellectual disabilities, and those who pursue non-Western patterns of thought), but also diminishes human experience in ignoring the affective, somatic, relational, and spiritual aspects of human life.

A set of critiques emerging from gender studies, critical race studies, disability studies, animal studies, and the new materialisms have coalesced in recent years under the heading "posthumanism."[3] Some of this new critical scholarship exposes the ways that emphases on rationality and individual agency contribute to structures of domination. Other works put forth alternative visions of interdependence, embedding human life within complex cultural, ecological, and technological systems. I propose that these efforts to expand humanistic discourse are where engagement with the Talmud can make a unique contribution.

At first blush, AZ would seem an unlikely place to find material with any thematic breadth or contemporary relevance, much less on so universal a question as "What does it mean to be human?" AZ is

the section of the rabbinic corpus that governs relationships between Jews and non-Jews. Ostensibly dedicated to explicating prohibitions of idolatry, the tractate includes extensive deliberations about what constitutes Jewish difference. Most of Mishna ʿAvoda Zara takes the form of legal statements that legislate distance between Jews and non-Jews. The Bavli elaborates on these laws, upholding a wide array of rulings that socially segregate Jews from others, but it also expands the scope of the discussion by introducing a wealth of narrative material. The stories included in AZ depict a wide array of interactions among Jews and non-Jews, portraying them as commercial partners, religious rivals, political foes, masters and slaves, subjects and kings, friends, and lovers. Even as the talmudic authorities inscribe legal boundaries to separate Jews from others, the stories they tell invite readers to survey the wide compass of experience that Jews and non-Jews share in common, as human beings, as animals, and as material bodies. I argue that these narrative explorations of human identity, difference, and relationship are not merely incidental to AZ's commentarial function, but provide the key to understanding the talmudic tractate as a cohesive literary work.

Over the course of AZ's five chapters, the editors return again and again to a single set of related questions that serve to unify the tractate as a whole: What distinguishes Jews from non-Jews? What do Jews and non-Jews share in common? What do these differences and commonalities suggest about what it means to be human?

To return to the story with which I opened this introduction, the story of Dama ben Netina: this narrative crystallizes many aspects of the talmudic anthropology that shapes AZ, embedding humanity within a network of connections animal, mineral, and spiritual. Even as the story highlights the geographic distance and communication gaps that separate Jews from non-Jews, it illustrates the degree to which Jews and non-Jews are linked in exchange, the extent of their interconnection reaching all the way into the cultic heart of Israel. In this world of commerce, humans traffic in precious gems and in fresh-born calves, acting as if they reign supreme, but there are also providential powers at work, unseen, meting out reward. The special distinction of Dama the non-Jew is that he is attuned to the invisible imperatives of filial and divine relationship that transcend the gleaming externalities of ritual and trade.

Dama is awake to his responsibilities, and that is why he is rewarded by Providence. The Jewish characters, however, cannot recognize

virtue in a non-Jew. Why don't they wait an hour or two until the old man wakes up from his nap, so they can purchase Dama's gem before heading home? The Jewish sages don't believe Dama is telling the truth. They are not able to take a non-Jew at his word, and so that which they seek remains hidden, dormant, inaccessible. They leave Dama's house unsatisfied, not realizing that the key to unlocking his treasure is the recognition of his shared humanity.

In this book, I take my cue from the rabbinic storyteller, and use the Talmud's treatment of non-Jews to unlock a larger storehouse of ideas about the content and composition of the Babylonian Talmud. Even as I promote Dama to the front of this introduction, however, I am aware that there is something slightly disingenuous about highlighting his story in this way. The dominant voice within the talmudic tractate is not one that celebrates Dama, nor does it directly engage the question of what it means to be human. AZ, like the rest of the Talmud, is staunchly particularistic in its concerns, dedicated above all to interpreting a set of texts and laws that distinguish Jews from others. In AZ, Dama does not make his appearance until the bottom of page 23b, almost a third of the way into the tractate, and his story is contextualized there within a dialectical exchange that effectively blunts the universal message I have extracted from his tale. (More on this below.) While the Talmud clearly has a concept of the human being as distinct from other creatures, it gives far more attention to delineating the boundary between Jews and other people than to elaborating what defines humanity as a whole. Throughout AZ, just as in Dama's story, the commercial connections that link Jews and non-Jews are explicitly discussed; the more fundamental commonalities that all people share remain largely concealed and covered over. To focus on the Talmud's anthropology is thus to uncover that which the talmudic editors left under wraps. While there is perhaps a certain impertinence in doing this, it seems worth the benefit of bringing the Talmud into dialogue with the vital debates of contemporary scholarship and criticism.

The encounter between talmudic literature and contemporary theory that I invite within these pages makes for some difficult conversations. Can ancient texts convey their meanings across centuries and cultures? Sometimes, the gap between conceptual worlds is not easily overcome. One hazard of embracing a presentist orientation is the temptation to make the strange and remote seem familiar and relevant, distorting difficult material in the process of domesticating

it. When it comes to AZ, there is an additional challenge, because this text is not simply obscure, but sometimes downright offensive in its hateful depictions of non-Jews. While the Talmud's xenophobia can easily be understood within the historical context of violence and domination in late antiquity, in today's world this material is jarring, even incendiary. Sometimes the cost of discovering new points of connection with these challenging texts is uncovering their power to offend. My goal in this book is to interrogate rabbinic sources with the theory and methods that contemporary scholarship puts at my disposal, and invite them to talk back in their own idiom.

Bringing the Talmud and critical theory into conversation means more than simply toggling back and forth between two worlds, because the Talmud is not hermetically sealed in a time and place all its own. Interactions with intellectual currents of diverse cultures from east and west shape both the Talmud and the traditions of its interpretation. The Talmud recounts rabbis' interactions with Christians, pagans, non-rabbinic Jews, and all manner of religious heretics, it preserves folklore in diverse languages, and is shaped by ideas about monks, magi, scholastics, Greek philosophers, Roman kings, and Persian courtiers, if not by actual encounters with these figures. Talmudic culture is always already engaged with others, outsiders to the rabbinic enterprise whom rabbinic storytellers summon as real and imagined interlocutors. So too, during the long centuries of the Talmud's reception, interactions with Islamic and Christian scholars and leaders—some peaceful and constructive, some violent and oppressive—shaped rabbinic interpretation, and in some cases even left an imprint on the talmudic text itself. When, beginning in the early nineteenth century, a new cadre of Judaic scholars trained in the scientific methods of the secular university established the field of critical Talmud study, this was not a story of first contact between the Talmud and the outside world, but rather a new chapter in a long history of interaction between the Talmud and other higher learning. This book builds on that history of interaction as it seeks to further integrate talmudic studies into the broad discipline of the humanities.

In this introduction, I revisit two key moments of interaction between the Talmud and currents from the outside world. First, I examine the lasting imprint of Renaissance humanism on the text of the Talmud, recounting the advent of Christian censorship, when a new audience of Hebrew-reading Christians worked alongside Jews to change the way the Talmud talks about non-Jews. Then I

trace more recent developments in talmudic scholarship, reviewing the emergence of literary approaches to the Talmud during the past generation. Dama ben Netina will accompany us through both these discussions. Changes in the treatment of his character and in the interpretation of his story illustrate the diversity of ways readers have sought after meaning in the Talmud, and the different conceptions of the Talmud and of humanity that have guided their readings.

THE TALMUD UNCENSORED

Tractate ʿAvoda Zara plays a central role in the long and troubled history of relations between Jews and non-Jews. AZ originated in late antiquity as a work *about* relationships between Jews and non-Jews, setting out rules to govern how Jews should treat others. Early in its reception history, the tractate became a site of pitched contestation and polemic, a pretext for Christian violence against Jews. Still later, when Christian Hebraists sought to admit the Talmud into an expanded library for the edification of Christians, AZ was a focus for the joint efforts by Christians and Jews to purge the Talmud of its xenophobic content. The story of Christian censorship of AZ offers a potent demonstration of how the Talmud registers interactions between Jews and non-Jews in history; that is, AZ is not simply a text that talks about relationships with Gentiles, but a text that itself has been shaped through the interactions of Jews and Gentiles. The history of talmudic censorship illustrates that the Talmud and the humanities have been intertwined since humanistic scholarship first emerged in Europe.

Before briefly recounting this history, it will be helpful to consider a central aspect of AZ that drew the ire of medieval and early modern Christian readers—the partitioning of the world between Jews on the one hand and non-Jews on the other. In rabbinic discourse, male Jews are referred to by the term *yisraʾel*, "Israel." Unlike the *yisraʾel* of biblical Hebrew, in rabbinic literature this term connotes an individual, not the national group. In rabbinic Hebrew, the standard designation for a non-Jew is *goy*, a term that functions as the opposite of *yisraʾel*. Ishay Rosen-Zvi and Adi Ophir have shown that this terminology was an innovation of the Tannaim, reflecting a new kind of binary thinking that emerged during the rabbinic period.[4]

The rabbinic *goy* is a different kind of concept from the biblical *goy*. In biblical Hebrew, *goy* means "nation," a generic term that is

applied to Israel as well as other peoples. In the Bible, Israel is regarded as one among a multiplicity of diverse nations, and biblical laws treat Egyptians, Amalekites, and Moabites very differently. In the postbiblical literature of the Second Temple Period as well, foreign nations are regarded as a diverse plurality and not simply as a generalized other.[5] A transformation occurs in the early rabbinic period, whereby *goy* comes to connote an individual non-Jew, so that the plural *goyim* comes to mean "Gentiles" rather than "nations." In rabbinic Hebrew, *goy* is functionally equivalent to the English "non-Jew" in that its meaning derives from a structural opposition with the term *yisraʾel*, or "Jew." As Rosen-Zvi and Ophir point out, the term *goy* has no particular content. It is a structural category, not a description of an identity. With this term, the rabbis divide the world into two, with Jews on one side and Gentiles, their binary opposite, on the other.[6]

The laws set out in Mishna ʿAvoda Zara, the core tannaitic traditions upon which AZ elaborates, are founded on this bifurcation between Jews and all others. The mishnaic tractate addresses the yisraʾel, the Jewish male, with directives about how he is to distance himself from the goy. Mishnaic rulings charge the Jews to take care lest their business dealings implicate them in the prohibited practices of non-Jewish life. From the first line of the tractate, prohibiting commerce with non-Jews beginning three days "before the festivals of goyim" (m. AZ 1:1), and until the last mishna's instructions on how to purify a tool or utensil acquired from a goy (m. AZ 5:12), each law is structured on a binary opposition between Jews and all other people.

The Mishna preserves a range of opinions, some more lenient and some more stringent, but none of the rulings in Mishna ʿAvoda Zara distinguish between different categories of Gentiles, or allow for individual difference among goyim. The rabbis of the mishnaic period were all subjects of Rome living in Greco-Roman Palestine, and so it is not surprising that their associations with the category of the goy were colored by their exposure to paganism and the imperial cult. Occasional references offer a glimpse of the realia that shaped the Tannaim's perceptions of non-Jews: m. AZ 1:3 enumerates *Calends* and *Saturnalia* among "the festivals of goyim"; m. AZ 3:1 describes public statuary; m. AZ 3:4 recounts an exchange between Rabban Gamliʾel and a philosopher at the bathhouse of Aphrodite; and m. AZ 4:1 discusses stone shrines dedicated to Mercury. None of these statements of law, however, distinguishes among the diversity of practices,

beliefs, or lineages that subdivide the vast and varied empire. Tannaitic law aggregates all non-Jews under the sign *goy*, legislating separation between Jews and *all* others.

It is this fundamental feature of rabbinic discourse, the binary conception of Jews and non-Jews conveyed through the term *goy*, that church censors set out to purge. Though the manuscript versions of Mishna ʿAvoda Zara refer to a *goy* or *goyim* more than thirty times, in the editions of the Mishna that are in print today the term does not appear at all. So, too, in the standard Vilna print edition of AZ:[7] there is not a single mention of *goy* or *goyim,* though the manuscripts are replete with this language. Since the sixteenth century, when censors began monitoring the printing of Hebrew books, the term *goy* has been expurgated from all rabbinic texts. In the censored Talmud that is in print today, the concept of the *goy* has been jettisoned, replaced with a host of euphemisms that obfuscate the rabbis' construction of the Jew in binary opposition to all others. The story of how this censorship occurred is simultaneously an account of violence and repression, and of cooperation and rapprochement.

The Talmud was a contested text in Christendom for centuries before censorship emerged as the primary strategy for dealing with it. In the year 1236, a Jewish apostate named Nicholas Donin approached Pope Gregory IX with a list of thirty-six charges against the Talmud, including blasphemy against Christianity and hostility to Christians; the ensuing investigations and trial led to massive burnings of the Talmud and other Jewish books in Paris in 1244 by papal decree.[8] Three hundred years later, when the church renewed hostilities against the Talmud, a new wave of Talmud-burnings occurred in the context of broad cultural transformation and upheaval. Historian Amnon Raz-Krakotzkin theorizes that when the Talmud became a special target of ecclesiastical authorities in the middle of the sixteenth century, this was not simply a renewal of old aggression against the Jews, but part of a new campaign against heretical ideas that threatened the church from within.[9]

The Renaissance and the rise of humanism had begun to reconfigure the relationship between Christian scholars and the Jewish textual tradition in the fifteenth century, when a number of scholars heeded Erasmus's call to study the Hebrew language.[10] While the primary impulse for learning Hebrew was to encounter the Bible in its original language, Renaissance humanists also exhibited an openness to other Jewish sources that was unprecedented in the Christian

world. Their interest was not in Jewish culture per se, but rather in extracting edifying wisdom from a broad range of sources, including classical rabbinic texts and Kabbalah. In 1510, the scholar and jurist Johannes Reuchlin objected to a proposal put to Emperor Maximilian I to confiscate all Jewish books, and humanists rallied to Reuchlin's side in the charged controversy that erupted.[11] The number of Christian Hebraists multiplied further in the wake of the Reformation, when the Protestant promotion of the study of Scripture led to broad interest in Hebrew studies.[12] With the invention of the printing press, Christian printers played a central role in publishing Hebrew books for Jewish readers and also for this growing audience of Christian students of Hebrew. In the 1520s, it was a Christian printer, Daniel Bomberg, who was the first to print the entire Talmud. (The pagination he used in his volumes has become standard in all printed versions until today.)[13] While the dominant Christian response to the Talmud remained one of violent opposition, individual Christian scholars and leaders had begun to relate to the Talmud in more nuanced ways.

According to Raz-Krakotzkin, attacks on the Talmud were sparked in part by Catholic opposition to Reformation, humanism, and other challenges to the dominance of church orthodoxies.[14] In September 1553, all the copies of the Talmud in Rome were gathered by papal edict and then burned in Campo Dei Fiori Square on Rosh Hashana. In the months following, volumes of the Talmud were confiscated and destroyed throughout Italy. A leading instigator was Giovanni Pietro Carafa, who led the Roman Inquisition before becoming Pope Paul IV in 1555. As head inquisitor, Carafa oppressed Protestants, Christian Hebraists, and humanists, burning human beings as well as their books. In 1559, the first papal index of banned books, *Index Librorum Prohibitorum*, condemned the Talmud and other Jewish books among a long list of works considered heretical, including works by Rabelais, Erasmus, Machiavelli, and Dante, and many translations and commentaries of the Christian Bible; Raz-Krakotzkin argues that the inclusion of the Talmud on this list of Christian heresies reflects the church's concerns about the Talmud's *Christian* readership.[15]

In the wake of massive Talmud burnings throughout Italy, when the church replaced its all-out attack on the Talmud with a thoroughgoing program of censorship, the move was welcomed by the Jewish community as a strategy for preserving talmudic tradition. Though the Talmud remained on the index of banned books, a revised list was issued following the Council of Trent in 1564, introducing the

following caveat: "If [the Talmud] appears without its title 'Talmud,' and without the attacks and injuries directed against Christianity, it will be tolerated."[16] In keeping with the dictates of *Index 1564*, rabbis, Christian and Jewish printers, and Christian censors—many of them apostate Jews—worked together to issue new expurgated versions of the Talmud. In these printings, the appellation "Gemara" replaced "Talmud" on title pages. More fundamentally, designations of non-Jews by the term *goy* were substituted with the term *ʿakum* (עכו"ם), an acronym for "worshippers of stars and constellations," and by archaisms such as "Canaanite." One infamous attempt to reshape the Talmud in keeping with the censors' guidelines resulted in the Basel Talmud, a version that deletes AZ in its entirety.[17] Later printings of AZ systematically replaced generic designations of non-Jews—present on almost every page of the tractate—with the narrower designations of "idolator" or "star worshipper." Censorship thus effectively rid the Talmud of the partition separating Jews from all others, inscribing a new boundary line that united Jews and Christians in opposition to idolators.

Raz-Krakotzkin complicates the reigning view of censorship as a purely repressive measure and sets out to show the ways in which Jewish scholars and church officials—many of them converts from Judaism—cooperated in reformulating Jewish tradition. Though rabbinic authorities' acceptance of the censors' changes was largely an issue of expediency, the Jewish community also had an interest in ridding Hebrew books of anti-Christian polemics.[18] At the core of Raz-Krakotzkin's argument is his claim that censorship functioned as an engine of modernity:

> What I have primarily sought to do in these pages is to demonstrate the similarities between the principles of censorship and the principles that have shaped modern European Jewish consciousness. The main concern of the censors was the expunging of anti-Christian passages from books. This was precisely parallel to moves within the Jewish community as it redefined itself as a community within Europe. The censors' activity helps to mark the move away from the definition of the Jew as the anti-Christian toward a radically different perception embodied in the phrase "Judeo-Christian civilization."[19]

While Jews would not have welcomed the repressive intrusions of the church into the production of Jewish literature, the specific changes wrought by censorship served the Jewish pursuit of emancipation in the modern period. Replacing the term *goy* with the term "idolator" addressed

the Talmud's most troubling xenophobic content by projecting it into the past, identifying the despised Others of the Talmud as an all but extinct species, unrelated to contemporary non-Jews in Europe.[20] The specific changes wrought by censorship allowed for Judaism to be reconceived in universalistic terms, easing Jewish entry into modern Europe.

To understand the Talmud in the rabbis' own idiom, in the cultural contexts of late antiquity, requires that one read through the censorship, thereby uncovering expressions of Jewish difference that are stolidly particularistic and sometimes chauvinistic. Examining the unvarnished text of the Talmud furnishes some interesting surprises, however, because it is not only xenophobia that the censor purged, but also a wide range of more nuanced explorations of Jewish difference. As noted above, the very language that the rabbis of the Talmud inherited from their tannaitic predecessors—the terminology of the *goy*—places Jews in opposition to all others. Sometimes, the talmudic sources reify the dichotomy of *yisraʾel* and *goy*, sharpening the boundary between Jews and others. In other passages, though, the talmudic editors seem to strain against the binary, exposing it, inverting it, and even calling it into question. In jettisoning the language of the *goy*, the censors disposed of the questions, critique, and revisions that appear alongside vilifications of non-Jews in the Talmud.

It is only by recovering the language of the talmudic authors and editors that one can begin to discover how the Talmud itself relates to the polarities inscribed in the concept of the *goy*. The story of Dama provides an illustrative example.

Here is one version of Dama's story, presented as it appears in a talmudic manuscript that predates the interventions of the censor:

> Rav Yehuda said: Shmuʾel said:
>
> They asked Rabbi ʾEliʿezer, "How far does honoring father and mother extend?"
>
> He said to them, "Go and see what one non-Jew did for his father in Ashkelon; Dama ben Netina was his name."
>
> It once happened that he was asked for stones for the ephod, and offered a payment of 600,000,—and Rav Kahana teaches a *profit* of 600,000—but the key was under the pillow of his father, and he did not bother him.
>
> The next year, the Holy One gave him his reward and a red heifer was born into his herd. The sages of Israel came to him.
>
> He said to them, "I know about you, that I could demand of you all the money in the world, and you would give it to me, but I will only request that money that I lost because of honoring my father."[21]

One pleasure of this tale lies in the unexpected way it turns the tables, using a Gentile to exemplify piety, while the Jewish characters are depicted in a slightly comical light. Despite their grandiose titles as "the sages of Israel," the Jews are collectively denied a speaking role and remain undistinguished by name or any identifying qualities. In contrast to Dama, whose reserved dignity embodies selflessness, these sages are ethically stunted, unable to relate to other characters on anything but a purely transactional level. The narrator seems to be gently poking fun at these Jews, presumed paragons of virtue who remain oblivious in the presence of true righteousness. But the sages' disregard for Dama's preeminence is only to be expected; it enacts the logic of rabbinic language, which in bifurcating the world into Jewish subjects and nondescript others renders the agency and humanity of non-Jews all but invisible.

The binary opposition between Jews and non-Jews that underlies rabbinic language generates the tension that powers this story. When Dama ben Netina is identified as a non-Jew, or *goy,* the label conveys nothing about his religious practice, moral character, or national identity. It conveys only that he is Other, not-a-Jew. In elevating this Gentile character at the sages' expense, the rabbinic storyteller exposes the impoverishment of the rabbinic vocabulary for describing human relations. I read this story as an instance of talmudic critique, a clever albeit subtle attempt on the part of a belated rabbinic storyteller to target the ethnocentrism of earlier generations of rabbis. Others might judge such a reading too strong, and take the story merely as an illustration of how the Talmud's discussions of human diversity strain against the limits of rabbinic language.[22] In either case, Dama's story provides one potent example of how the Talmud troubles the reductive discourse of "us" and "them" that it inherits from the Tannaim's concept of the goy.

The interventions of talmudic censorship not only upend the possibility of reading Dama's story as critique, they scramble the story's message in a more general way. In the censored version of the Talmud, Dama is not designated as a *goy* but rather as a "star worshipper." While in other talmudic contexts this kind of substitution might be a felicitous one, consigning the Talmud's vilifications of non-Jews to the ancient past, here, in a context where the non-Jew is held up for praise, the change introduces an ungrammaticality into the narrative. As the analysis of Rosen-Zvi and Ophir demonstrates, the terms "non-Jew" (*goy*) and "star worshipper" do not simply refer to different groups

of people, they structure reality differently. "Non-Jew" and "Jew" are mutually exclusive terms that divide the whole world up between them, so that "non-Jew" has no particular content of its own. It is this semantic emptiness that opens up a space for the narrator to depict Dama as a paragon of virtue. While "non-Jew" is a designation that tells us nothing about an individual's background or behavior, "star worshipper" is an epithet that is specific and derogatory. From a Jewish or Christian perspective, a star worshipper always has a mark against him—his failure to recognize the true deity justifies the harshest treatment the Talmud metes out. In converting Dama to a "star worshipper," the censor so degrades Dama that he becomes more a curiosity than an exemplar, a fundamentally impious person in possession of a single positive quality, his respect for his father. The censor's substitution takes a tale of moral grandeur and makes it much less grand and much less vivid.

If censorship effectively deflates the moral power of Dama's tale, it undermines the force of the Talmud's degradations of non-Jews to a similar degree. While this intervention would seem at first to be an improvement to the Talmud, an advance in the pursuit of tolerance and interfaith relations, it comes at a cost, especially in the context of AZ. This tractate is centrally concerned with constructing boundaries between Jews and others, and the Mishna's bifurcation between Jew and non-Jew provides the grounding for its deliberations. What is the nature of Jewish identity? Is Jewishness more a matter of genealogical descent, theological conviction, or behavioral norms? Can the difference between Jews and non-Jews be traversed through behavioral or attitudinal changes? These are the questions that the Talmud contends with, and the censor's terminological substitutions scramble the very terms of the debate. In exchanging the term "non-Jew" for the epithet "star worshipper," the censor stakes out a clear position on what category of difference matters most, drawing a new boundary on the basis of theology that unites Jews, Christians, and other monotheists in opposition to pagans and idolators. As appealing as this affiliation of Jewish and Christian interests might have been during the first stirrings of modernity and into our own day, the construction of this new boundary line obstructs entry into the discourse of the Talmud, obscuring AZ's deliberations about what it means to be Jewish and what it means to be human.

AZ is the section of the Talmud that sustained the most change at the hands of the censor. To understand this tractate in the literary

context of the Bavli and in the cultural contexts of late antiquity requires that one reverse the censor's interventions. Standard print editions of the Talmud still bear the imprint of censorship, so for the purposes of this study I rely on a manuscript that predates the censor's changes, restoring the language that early modern Jews and Christians cooperated in suppressing.[23]

As an early encounter between the Talmud and a broader, Western audience, the intervention of Christian censors into the printing of the Talmud offers an instructive precedent for the kind of inquiry I pursue in this book. Christian Hebraists looked to the Talmud with the expectation that the wisdom of Jewish sages could address them as readers, and the rabbis of the time—whether for reasons of self-preservation, principle, or some combination—cooperated in reformulating talmudic language to match this expectation. The interest of such figures as Johannes Reuchlin in the Talmud would seem to offer a compelling model for how talmudic literature might engage an audience beyond the circle of traditional Jews for whom the Talmud has religious authority. But despite the joint efforts of sixteenth-century Christians and Jews to make the Talmud palatable, the discourse of the Talmud remained fundamentally indigestible in early modern Europe. The price for keeping the Talmud in print was steep—not only was the name "Talmud" erased, but fundamental concepts were changed. Opening up the Talmud to a broader audience required closing down the distinctive structures of thought and discourse that made the Talmud meaningful. Christian Hebraists' embrace of the Talmud was only partial, because Christian Europe could not accommodate Jewish difference as represented by the Talmud.

Today, we find ourselves in a cultural moment that allows for a reengagement with the Talmud on its own terms. Postmodern sensibilities promote expressions of cultural diversity and cosmopolitanism in which impulses toward particularism and universalism are not seen as mutually exclusive, but rather can be embraced as complementary aspects of complex identities. The moment is ripe for engaging the Talmud's pitched debates about the nature and extent of Jewish superiority. In contrast with the early modern readers who revised the talmudic text to make it match their own sensibilities, this book seeks to squarely contend with difference, both as a central theme in AZ and as a feature of reading across languages and cultures. AZ has long been on the front lines of confrontations between cultures, and this book extends that history by using the

tractate to provoke a new encounter between talmudic scholarship and the humanities.

THE TALMUD AS LITERATURE

A critical examination of what AZ meant in its late antique context is the prerequisite for bringing its distinctive vision and discourse into conversation with contemporary theory. The particular set of critical tools that I bring to my analysis of AZ emerges out of recent developments in the academic study of the Talmud, where a new configuration of research advances, theoretical orientations, and reading strategies have coalesced into what some call the "literary approach" to the study of the Talmud. The advent of this critical approach to the Talmud is but the most recent chapter in a much longer story of interaction between the Talmud and humanistic studies in the West. In general, the critical study of the Talmud has developed in tandem with broader trends in the study of religion and of literature. While the first century of critical talmudic research had a philologic and historiographic orientation, more recent scholarship employs theoretical approaches influenced by the New Criticism, post-Structuralism, and the New Historicism.

The academic study of the Talmud began with the rise of Wissenschaft des Judentums, a nineteenth-century movement initiated by German Jewish intellectuals who sought to apply the scientific methods of the modern university to the study of the texts, culture, and history of the Jews. Many of these pioneering scholars had studied in traditional rabbinic academies before entering university, and their academic pursuits intertwined with their efforts to reform Jewish practice and to integrate Jewish life into German culture.[24] They studied Semitic languages, engaged in philological study, and sought to reconstruct the original versions and meanings of rabbinic texts in their historic contexts. Even as these scholars distanced themselves from traditional modes of Jewish study, however, some habits of traditional Talmud study persisted. Like their counterparts in traditional rabbinical academies, Wissenschaft scholars for the most part accepted the Talmud's presentation of legal debates among the Tannaim and Amoraim as reliable reports about the named authorities' differences of opinion. And like jurists in the traditional world, Wissenschaft scholars had a tendency to give short shrift to the Talmud's extensive narrative material, giving priority to legal dialectics as the

central expression of rabbinic tradition.[25] When nineteenth-century scholarship engaged talmudic narrative, it was largely in the service of historiography, as researchers read stories about the lives of the Sages as testimony about historic events and about the conditions of Jewish life in antiquity.

In the twentieth century, when historical positivism gave way to growing skepticism about the reliability of the Talmud's testimony and attributions, the academic study of the Talmud took a literary turn. During the past forty years, talmudic scholarship has coalesced around two literary projects, one focusing on diachronic analysis and the other on synchronic analysis. While one set of researchers has made huge advances in describing the process of the Talmud's formation, the other has engaged in close readings of talmudic passages, focusing especially on talmudic narratives.

On the diachronic front, scholars David Weiss Halivni and Shamma Friedman share the credit for a paradigm shift in how the field understands the formation of the Babylonian Talmud. Redactional criticism of the Talmud begins with the observation that there are two distinct layers of talmudic discourse: apodictic statements that are attributed to named sages (the Amoraim), and dialectical discussions of these statements that are anonymous. In parallel projects over the course of decades, Friedman and Halivni have investigated the relationship between these two layers, developing complementary theories about the Talmud's development. Both agree that the anonymous material is consistently later than the attributed material. Friedman's work has focused primarily on developing methodologies for distinguishing among historical layers of the Talmud, an advance that allows for the relative dating of components of any passage.[26] Halivni has sought to anchor the stages of the Talmud's development in history, and proposes that the redaction of the Talmud is largely the work of anonymous editors who lived in Babylonia between 550 and 770 CE.[27] Today, there is widespread agreement among rabbinicists that it is these anonymous editors, whom Halivni designates with the neologism *Stammaim*, or "anonymous ones," who are the true creators of the Babylonian Talmud. These advances in redactional criticism have transformed how scholars read the Talmud and how we use it as evidence.

In the realm of synchronic analysis, the late Yonah Fraenkel was a pioneer. In a series of articles and books published throughout his long career, Fraenkel offered close readings of hundreds of stories

from the Talmud and other rabbinic sources. In these readings, he highlighted such literary devices as structural parallelism, unifying motifs, and paranomasia, effectively developing a poetics of rabbinic narrative.[28] Fraenkel's readings emphasize the patterned structure of rabbinic stories and what he called their "closure"—a quality wherein every detail of a story contributes to its overall structure and theme, and no data external to a story is necessary for its interpretation. Subsequent scholars credit Fraenkel with securing a place for rabbinic text in the study of belletristic literature, but critique this notion of "closure," which they identify with the New Criticism.[29]

Today, when scholars pursue literary analyses of talmudic passages, they do so with a much expanded notion of what constitutes a literary unit, and with a strong emphasis on context. Jeffrey Rubenstein revisits many of the talmudic narratives Fraenkel interpreted, and he demonstrates that themes, motifs, and other literary features from within the narrative extend into the surrounding dialectical deliberations.[30] Others join him in showing how the kind of close reading and literary analysis that Fraenkel modeled in examining rabbinic narrative can be effectively applied to other forms of rabbinic discourse, including the sugya, the Babylonian Talmud's basic unit of talmudic deliberation.[31] And beginning with the work of Daniel Boyarin, the so-called "literary turn" made yet another rotation, as rabbinicists of a literary bent turned back toward history to examine how rabbinic texts interact with the cultural contexts of late antiquity.[32] Today, talmudic scholarship has exploded in a flurry of diverse projects that are methodologically sophisticated, breaking down the disciplinary walls separating historical investigation, literary studies, and redactional criticism.[33]

One central insight to emerge from this scholarly ferment is a principle that has been hard-won in talmudic studies: that *how* the Talmud speaks is critical to interpreting *what* it says. While this proposition is no doubt true of any literary text, and so painfully apparent that it hardly need be mentioned, the Talmud's relatively recent entry into the realm of literary analysis means that it bears articulating. Even as critical scholarship has made great advances in describing how the Talmud works as literature, there is an ongoing tendency in popular, religious, and academic works to extract and abstract statements, stories, and concepts from the Talmud and to present them as timeless bits of wisdom or opinion, unmoored from any historic or textual context and from any interpretive tradition. Perhaps it is only

to be expected that popular writers will treat the Talmud as a grab bag of edifying insights or a Jewish treasury of quotations, but scholarly works of Jewish studies sometimes fall into similar habits.[34]

The Babylonian Talmud is a vast and complicated work, as dense and it is sprawling, and any investigation of a topic or theme must inevitably be selective in how it cites and interprets talmudic material. New scholarship on the formation of the Talmud and on the distinctive features of talmudic discourse demonstrates just how tricky a business this can be. Since the Talmud is built of dialectic exchanges that juxtapose disparate opinions, splice stories with law, and draw on diverse traditions, making sense of isolated statements is a particular challenge. At what stage of an extended argument can a story or question carry interpretive weight? How does one determine where the relevant text gives way to context? Literary studies of the Talmud demonstrate the thoroughgoing interpenetration of the Talmud's form and content, and the consequent need for caution and sophistication when using talmudic sources in investigations of Jewish thought, culture, history, and law.

The distinctive discursive forms of the Talmud condition its meaning—this is the core insight that generates the structure of this book. Unlike other topical studies of talmudic thought, *Jews, Gentiles, and Other Animals* does not venture into the vast library of rabbinic works, or even scour the whole of the Babylonian Talmud for relevant material; instead, it cleaves to a single textual formation, AZ, and offers a reading of this tractate and only this tractate. Working within the bounds of a discrete redacted unit, I can attend to confluences between form and content in a holistic way. I mitigate the problem of deciding how much of any given passage to consider by looking at broad swaths of material, and by following the anonymous editors' cues about how any given passage's parts add up to a larger whole. The boundaries I adopt for my analysis are the very boundaries imposed by the anonymous editors when they set the tractate's frame.

The overall trajectory in talmudic scholarship over the course of the last few decades has been to continually expand the frame for literary analyses, from readings of discrete narratives to readings of extended sugyot to considerations of the literary qualities of the Babylonian Talmud as a whole.[35] In adopting the talmudic tractate as a unit of analysis,[36] this book participates in this general trend, and also stakes out a strong position in an ongoing debate within the field.

While there is now broad agreement that the final redaction of the Babylonian Talmud was far more belated than previously believed, scholars disagree on precisely how to characterize the editors' activity and the extent of their interventions: Is the primary work of the talmudic editors to compose stories and sugyot, or simply to arrange existing materials? That is, are the editors like weavers, creating passages whole cloth, or are they more like quilters, stitching discrete units of material into larger compositions? At what level of composition is the editors' vision expressed? Debates about these issues are closely related to the question of how to categorize the Babylonian Talmud as a literary work. Scholars who assign the Talmud's editors a more robust authorial role tend to emphasize the coherence of talmudic discourse, while those who minimize the editors' interventions describe talmudic texts as anthologies or miscellanies.[37] I take a strong position in this debate when I argue that AZ is unified by an overarching structure and animated by a set of recurring themes, reading the tractate as a coherent work of literature.

I suspect that any heat generated by the scholarly debate about the Talmud's redaction has less to do with assessments of the Talmud's anonymous editors and more to do with how scholars understand the contributions of the Amoraim whom tradition reveres as the authors of the Talmud. Jacob Neusner famously challenged the notion that we can reliably trust the attributions of any rabbinic source, proposing that each rabbinic text be approached at the level of the document as a reflection of the views and values of its latest editors, rather than as a reliable report about rabbis who lived in earlier times.[38] To a certain degree, the methodology Shamma Friedman has developed for separating out the layers of the talmudic text answers Neusner's skepticism with a procedure for identifying the contributions of earlier periods.[39] Richard Kalmin's recent work on rabbinic narrative offers a model for assessing the historical value of any given tradition through consideration of language and other geographic and historical markers.[40] Such scholarship suggests that different parts of the Talmud are constituted differently and reflect varying levels of editorial intervention. I offer a cohesive reading of AZ because in the case of this tractate, there is a compelling case to be made for sustained editorial activity at the level of the tractate. In aligning myself with those who emphasize the coherence of talmudic discourse, however, I do not mean to discount the reliability or authenticity of discrete rabbinic traditions—to my mind, coherence at the macro-level of a document

does not speak to the question of editorial intervention into individual traditions one way or another.[41]

In demonstrating the extent of editorial design at the macro-level of the tractate, I effectively promote the anonymous editors of AZ to the status of authors rather than mere redactors. This book joins other recent scholarship that focuses on the creative interventions of the Bavli's editors, such as Rubenstein's investigations of Stammaitic storytelling,[42] Boyarin's description of the Stam's activities in juxtaposing the discordant voices of the Talmud's dialogism,[43] and Moulie Vidas's discovery of a self-conscious authorial voice.[44] These scholars all emphasize the inventiveness of the belated, anonymous editors and credit them with the creation of the Bavli as a whole, but the evidence they marshal comes from readings of discrete stories and sugyot. By offering a sustained reading of an entire tractate, I am able to identify evidence of authorial activity on a broader scale, bringing to light the artistry with which AZ's anonymous creators weave diverse materials into a complex, coherent work.

My emphasis on the final redacted form of AZ distinguishes my project from important research that has taken a diachronic approach. Both Christine Hayes and Alyssa Gray have focused on AZ in their investigations of the relationship between the two Talmuds and of how the Bavli took shape.[45] Though the questions I bring to this tractate are different, my work builds on theirs and complements it. Hayes's work on AZ focuses on the legal materials within the tractate.[46] She presents her findings as a corrective to the tendency of earlier scholars to attribute differences between the Babylonian and Palestinian Talmuds to differences in the cultural and political circumstances of Roman Palestine and Sasanian Babylonia, demonstrating that alongside these external factors are factors that inhere within the distinctive normative worlds of the two rabbinic communities. While I am only secondarily interested in the Palestinian Talmud, I look to it from time to time either as a counter-text or as a source that the redactors of the Bavli rework.

Gray argues that the editors of the Bavli were familiar with the Palestinian version of the tractate and engaged it as source material in a variety of ways.[47] The methodology she develops entails a macro-analysis of the tractate as a whole and the identification of those passages where the Talmuds exceed their commentarial function, presenting material that is not "called for by the mishnah."[48] Gray points to extensive structural similarities between the two Talmuds that are

not anticipated nor necessitated by the Mishna, arguing that these are places where the influence of the Palestinian over the Babylonian Talmud is in evidence. Because my own focus is on aspects of AZ that are unique to the Bavli, I adopt the broad outlines of Gray's approach for very different ends. I examine narratives, dialectics, and framing devices that are neither "called for by the Mishna" nor anticipated by the Palestinian Talmud, because these are sites where the distinctive artistry and sensibility of the Bavli's editors are easiest to discern.[49]

This book is an invitation to robust interpretation of the Talmud as literature. In my readings, I seek to illuminate the subtle turns of art and fine filaments of connection that can only come into view when examined in the right light, with the instruments of literary analysis. Skeptics might counter that having set out to find evidence of design and coherence, it is no surprise that I discover these in abundance. I presume that the Bavli's editors are artists, and then I find evidence of their art everywhere. It might be that the artful coherence and ironic reversals that I discern in AZ emerge from my own imagination and not from the creative genius of the talmudic editors, but I think that is giving me too much credit. While ultimately there is no way to verify my proposal that AZ is unified by an overarching plan or an undergirding logic, I submit that it is only by entertaining this possibility—by adopting a reading practice that presumes design and seeks after cohesion—that aspects of the Talmud's art can come into view. I offer my reading of the tractate as an illustration of how fruitful literary examinations of large units of the Bavli might be.

While I require the space of this entire book to effectively make my case for the editorial craft and literary artistry that unifies AZ as a whole, at this early juncture the story of Dama ben Netina helps to illustrate important aspects of a literary approach. As it happens, Dama steps into the action on page 23b of AZ in a very peculiar way. Unlike the version of his story presented above, in the context of AZ the Dama tradition is presented in a form that cannot properly be considered a narrative at all. Here, the components of Dama's story are broken apart and reconstituted as steps in a dialectical exchange about the fine points of rabbinic law. The absorption of this colorful tale into the back-and-forth of a complicated sugya does not preclude literary analysis, but rather serves to focus attention on the multiform and polyphonous qualities of talmudic discourse. In this passage, the voice of the anonymous editors—the voice that controls the dialectical argumentation—dominates the tradition about Dama

without entirely drowning out the moral critique that is expressed through his story.

BETWEEN STORY AND SUGYA

The immediate context in which Dama appears within AZ is a passage that engages one of the most stridently xenophobic statements in all of rabbinic literature. According to the Mishna, "We do not stable livestock in the stalls of non-Jews because they are suspected of bestiality."[50] The discussion of this tradition in the Talmud does not register any emotional or moral response to the salaciousness of the statement, and unfolds in the same tone of rationalized deliberation that typifies talmudic dialectic generally. The specific question under debate in the sugya is whether animals that have been owned, herded, or quartered by non-Jews are admissible as sacrifices in Jewish Temple rites.[51] The implication of the Mishna is clear: no animal that has been used sexually by humans can subsequently be dedicated to sacred purposes, so a presumption of bestiality among non-Jews excludes the possibility of using these animals for sacrifice. Tradition preserves a second, conflicting ruling on this matter, however. The Talmud cites a *baraita,* a tannaitic tradition that does not appear in the Mishna, that permits animals that had been owned by non-Jews to be used for sacrifice; this baraita explicitly states that there should be no presumption that the animals of non-Jews have been used in bestial sex. How can the opposing rulings of the Mishna and the baraita be reconciled? Resolution of the apparent conflict between these two ancient traditions drives the back-and-forth of the sugya as a whole.

One proposal that the editors entertain is that the suspicions expressed in the Mishna reflect the views of Rabbi ʾEliʿezer alone, while the more lenient ruling in the baraita corresponds to the majority view of the Sages. It is here that Dama's story becomes most relevant. The story dramatizes an instance of a Temple sacrifice being procured from a non-Jew—the very issue under discussion—and, according to tradition, it is Rabbi ʾEliʿezer who recounts the incident to his students. In the passage below, the anonymous editorial voice introduces the story and then interrupts it, using details from the narrative to test the plausibility of propositions that were made earlier regarding Rabbi ʾEliʿezer's views. To highlight these editorial interventions, I present the voice of the anonymous editors—traditionally called "the Stam"—in boldface below. My own glosses of their words

are also in bold, and indicated with brackets, and I have numbered the sections of sugya in order to refer to them afterward. As the discussion opens, the Stam returns to a statement that appears earlier in the deliberations, a proposal by a sage named Shela that Rabbi ʾEliʿezer believed there was a scriptural prohibition against accepting sacrifices from non-Jews. Such an understanding of Scripture could serve as a rationale for a prohibition on non-Jews' animals that does not impute bestial tendencies to non-Jews.

1. **Back to the body of the matter:**
   Shela taught: What is the reason that Rabbi ʾEliʿezer [prohibited contributions from non-Jews]? Because it is written in Scripture, "Instruct the Israelite people to bring you [a red heifer . . .]" (Num. 19:2). [This means that *only*] Israelite people shall bring, and not non-Jews.
2. **But, according to this reasoning, the verse "Tell the Israelite people to bring me gifts" (Exod. 25:2) would also mean that only the Israelites could bring contributions to the Sanctuary, and that non-Jews could not. But if you should say that this is indeed so [i.e., that Rabbi ʾEliʿezer was of the opinion that non-Jews could not contribute to the Sanctuary], is it not the case that Rav Yehuda said that Shmuʾel said:**
3. They asked Rabbi ʾEliʿezer, "How far does honoring father and mother extend?"
   He said to them, "Go and see what one non-Jew in Ashkelon did for his father, and Dama ben Netina was his name."
   One day, a Jew asked him for precious stones for the ephod, offering a profit of 600,000—Rav Kahana teaches: a profit of 800,000—But the keys were lying under the pillow of his father, and he did not disturb him.
4. **[This is not necessarily a contradiction, since in Scripture, specific mention of] "lapis lazuli [and other stones for setting for the ephod and the breastpiece]" (Exod. 25:7) [having no conjunction to link it up to the preceding verses] stops the discussion [and so is not necessarily governed by the limitation imposed by Shela's interpretation]!**
5. **But look [the conjunction that follows in the verse's enumeration of items—] "and other stones for setting" once again links up [with the passage under discussion, and so such contributions from non-Jews would have to be prohibited if Rabbi ʾEliʿezer did accept Shela's interpretation]!**
6. **And furthermore, it was taught in the end [of the story] that**
7. the next year, a red heifer was born into his herd.
   The sages of Israel came to him. He said to them, "I know of you that if I were to demand all the money in the world, you would give it to me, but I will only request the amount of money that I lost on account of Father."
8. **There, they made the purchase through Jewish merchants [and so it was permitted even though Rabbi ʾEliʿezer would normally prohibit the sacrificial use of animals that had belonged to non-Jews].**[52]

As the discussion begins (section 1), the editor returns to a proposal that was made earlier in the deliberations. It had been suggested that Rabbi ʾEliʿezer prohibits the sacrificial use of animals acquired from non-Jews because he accepts Shela's interpretation of Scripture. The biblical commandment regarding the red heifer (Num. 19:2) is specifically addressed to the Israelites; Shela reads this address restrictively, extrapolating that such sacrifices may be accepted from Israelites alone. Does Rabbi ʾEliʿezer accept this interpretation of the verse? Or does he hold a stringent position on the use of non-Jews' animals because he shares the Mishna's presumption that non-Jews regularly engage in bestiality? Over the course of the ensuing discussion, the anonymous editor articulates two distinct arguments against the claim that Rabbi ʾEliʿezer accepts Shela's interpretation. The first argument is based on the first scene of Dama's story, and the second argument is based on the second scene of Dama's story.

The first argument (in section 2) is that Rabbi ʾEliʿezer does not apply Shela's restrictive mode of interpretation to other verses where similar language occurs. The editor points out that the scriptural passage containing instructions for making contributions to the Sanctuary, including gemstones for the ephod, is expressly addressed to the Israelites, just as the passage about the red heifer is. And yet, in recounting the story of Dama ben Netina, Rabbi ʾEliʿezer betrays no compunctions about efforts to secure gemstones from Dama, a non-Jew. This would seem to demonstrate that Rabbi ʾEliʿezer does not accept Shela's interpretation. In section 4, however, this argument is challenged, when the editor points out that the scriptural instructions regarding gifts to the Sanctuary are not as straightforward as they would appear. In the long catalog of items that the Israelites are to donate, some of the objects are linked by "and" as if they are items in a series, and some are not. Perhaps, the Stam suggests, Rabbi ʾEliʿezer reads the scriptural verses as stringently as Shela does—as applying to Israelites alone—but simply does not apply this stringency to stones for the ephod? In section 5, this challenge is summarily dismissed—even if one exempted the mention of "lapis lazuli" from the prohibition, the other "stones for setting" are linked to the rest of the list by a conjunction, so they would be prohibited. The first argument is thus allowed to stand: in telling Dama's story, Rabbi ʾEliʿezer clearly signals that he is not at all opposed to contributions to the Sanctuary from non-Jews. He does not accept Shela's restrictive reading of Scripture.

At this point in the sugya, in section 6, the editor offers a second challenge to the proposal that Rabbi ʾEliʿezer accepts Shela's hardline position on the use of non-Jews' animals. Here, the challenge is more direct, but the argumentation is tacit, implied by the use of the phrase "and furthermore" that introduces the end of Dama's story. Dama the Gentile provides a red heifer for Temple rites, and Rabbi ʾEliʿezer recounts the incident with approbation. The implication is that the vividness of Dama's example speaks for itself, and indeed it does. The second part of Dama's story would seem to clinch things, upending the proposal that Rabbi ʾEliʿezer harbors doubts about the admissibility of non-Jews' animals. Though the deliberations continue for several more rounds with the editor briefly considering the possibility that Rabbi ʾEliʿezer approved of Dama's calf only because it was purchased through Jewish middlemen (section 8), ultimately the story of Dama effectively neutralizes the proposal that Rabbi ʾEliʿezer has any compunctions about the animals of non-Jews. Shela's strict reading of Scripture cannot be pinned on Rabbi ʾEliʿezer, and neither can the Mishna's suspicions about the bestial tendencies of non-Jews.

As a sample of talmudic dialectic, this small excerpt from a larger sugya exhibits many characteristic features, including the compulsion toward exhaustive examination and rationalization that has made "talmudic" a synonym for "hairsplitting" in popular usage. Though the passage as a whole makes a persuasive case that the earlier proposal about Rabbi ʾEliʿezer's position cannot be upheld, the argument is not presented in a direct way, but rather proceeds in fits and starts, with the voice of the Stam pivoting between pro and con. Each challenge that is posed is immediately answered by a caveat, a mitigating factor, or a qualification that might preserve the proposal under attack despite all commonsense indications that it simply does not hold up: "Perhaps he only admits the gem because the verse does not say 'and'"; "perhaps he only allows the calf because it is first acquired by Jewish merchants." The editorial voice worries about all extenuating possibilities. This is not the kind of debate in which one side seeks to invalidate the other; on the contrary, the editorial voice seeks to sustain opposing views at all costs.

To a certain degree, the meticulousness that characterizes the Talmud, its commitment to considering a question from all sides, accounts for the particular way that the argumentation in this section of the sugya unfolds. As noted above, the editors challenge the proposal that Rabbi ʾEliʿezer subscribes to Shela's interpretation of the red heifer

commandment in Numbers 19:2 on two fronts: first, by demonstrating that he does not interpret similar phrasing in Exodus 25:2 according to Shela's restrictive model; and second, by demonstrating that he does not accept the ruling on the red heifer that Shela's interpretation would require. Of these two arguments, the second is far more direct and compelling. Why, then, do the editors hold back? Why not lead with the more forceful rebuttal? The editorial choice to save the best for last is a characteristic feature of talmudic dialectic. In some cases, it is rhetorically effective to build an argument gradually, deploying ever stronger refutations in turn. In passages such as this one, there is yet another dynamic at work: the second argument is so decisive that had it been placed in the beginning it would have effectively drawn the deliberations to a hasty end, foreclosing the kind of drawn-out exchange that characterizes talmudic dialectic. This rationale goes a long way toward accounting for the particular way that this sugya is structured, but it does not account for everything. Examining how this sugya participates in the tractate's larger conversation about the nature of Jewish difference brings additional considerations into view.

It seems to me that the editors wish to bring Dama's story into the ambit of AZ's deliberations about how Jews and non-Jews differ, and it is their interest in appraising his exemplarity that generates the particular shape of the dialectic here. The editors' investment in Dama as a character is not immediately apparent because of the way the sugya slices Dama's story into two, deploying the two halves of the tradition at two different stages within the back-and-forth of the argumentation. In atomizing the components of Dama's story, the sugya effectively cues the reader *not* to attend to considerations of plot, character, or theme. The separation of the first and second acts of the story undermines the logic of consequentiality that is implied by narrative sequencing; here, there is no suggestion that the red heifer comes as a reward for Dama's piety in honoring his father. Yet despite the fracture of the narrative form, it is striking to note that the sugya nonetheless presents the entirety of Dama's story. There is not a sentence or detail from the story as it appears in b. Kidushin 31a that is missing here. The successive deployment of the two main parts of Dama's story in the two phases of argumentation preserves the sequence of the narrative, even in the absence of the narrative form. I think the argumentation unfolds in two stages as it does precisely because this structure allows the editors to preserve the coherence of Dama's story. While the second phase of argument is more than

sufficient for deciding the legal question in dispute, the first phase of argument provides the vehicle for conveying the most important part of Dama's story.

Dama's presence is critical in this discussion, because his example offers the sole challenge to the scandalous claim that heads up the sugya—the Mishna's statement that non-Jews cannot be trusted to refrain from having sex with livestock. Through all the ins and outs of the Talmud's interrogation of the Mishna, the content of this claim about non-Jewish depravity is never directly challenged. The Talmud's treatment of this particular mishna goes on for pages, and even as the dialectic examines how the Mishna's presumption of non-Jewish bestiality might be reconciled with certain leniencies in rabbinic rulings, it never acknowledges the extreme nature of the Mishna's position, or the grave implications for Jewish-Gentile relations. Instead, the deliberations proceed in the same manner of meticulous argumentation that characterizes other halakhic sugyot. The sugya steadfastly attempts to resolve apparent contradictions in the details of the legal tradition, but shrinks from the gaping rift at the heart of the whole enterprise: for if non-Jews are so profoundly different from Jews that bestiality is rampant among them, how is it that the law allows for any social interactions with non-Jews at all? This incongruity becomes even more salient when the talmudic editors attempt to identify Rabbi ʾEliʿezer with the harshness of the Mishna's position, for how could Rabbi ʾEliʿezer both esteem the righteous virtue of Dama ben Netina and suspect him and all of his peers of abject perversity? It seems to me that though the editors do not explicitly oppose the Mishna's judgments of non-Jews, their choice to insert Dama's story into the deliberations is a strategy for calling the Mishna's denigration of non-Jews into question. Dama's exemplary virtue exposes the error of the Mishna's prejudice. His story infiltrates the dialectic, protesting the excesses of the prevailing discourse from within.

I am suggesting that the sugya's dialectic unfolds at two different levels simultaneously, and that Dama's story participates in both. At the local level, the back-and-forth of the argumentation makes use of discrete details from Dama's story to investigate Rabbi ʾEliʿezer's precise position on the use of non-Jews' animals in the sacrificial cult. At the same time, Dama's story as a whole counters the Mishna's assertion of non-Jewish depravity, putting forth an alternative vision of humanity in which all people share norms and values in common. While most analyses of talmudic sugyot constrain themselves to local

readings that track legal argumentation alone, new scholarship on the Talmud as literature offers a helpful model for describing the work that Dama's story does in enlarging the talmudic conversation.

In her recent book, Julia Watts Belser distinguishes between "halakhic dialectic" and "aggadic dialectic," categories that closely correspond to the two levels of discourse that intersect in AZ's use of Dama's story. "Halakhic dialectic" refers to the closely controlled argumentation that prevails in the Talmud's examinations of points of law. "Aggadic dialectic" is Belser's term for a kind of discourse that is far more open-ended and that characterizes the Talmud's use of narrative. Belser argues that storytelling does important cultural and theological work in the Bavli, probing, interrogating, and challenging the rabbis' received notions and prevailing values. Though Belser's work focuses on Tractate Taʿanit of the Babylonian Talmud, her characterization of aggadic dialectic serves as an apt description of how storytelling functions in AZ as well: "Through deliberate juxtapositions of conflicting aggadic narratives and traditions, the redactors of Bavli Taʿanit highlight contradictions and tensions in rabbinic thought and culture. Aggadic dialectic allows Bavli Taʿanit to interrogate rabbinic values and raise provocative questions about rabbinic ideals. Through aggadic dialectic, Bavli Taʿanit articulates a subversive, self-critical voice that accentuates profound tensions within rabbinic culture."[53] AZ is a work rife with tensions and contradictions, and the strategic use of narratives like the story of Dama is one way the editors mark sites of cultural rifts and ruptures, unsettling received traditions and calling dominant views into question. While Belser's work associates this disruptive work primarily with those passages of the Talmud where narrative material predominates, I would argue that the Bavli's provocations are in no way limited to narrative, but pervade passages that are structured as legal dialectic as well. The invocation of Dama's case in the midst of dense legal argumentation offers a striking example of how these two modes of dialectic intersect.

The questions that dog the sugya in which Dama ben Netina appears are the same questions that run through AZ as a whole: What are the grounds for the priority and privilege that rabbinic law ascribes to Jews? What distinguishes Jews and other humans from the realm of other animals? What is gained and what is lost when the common humanity of all people is acknowledged? What is the meaning of Jewish difference? Though much of the content of AZ is

dedicated to shoring up the boundaries that divide Jews from non-Jews, passages such as the one we have examined subvert these lines of separation. Here, the talmudic editors use Dama's example to highlight the disjuncture between the Mishna's denigration of non-Jews and other evidence that Jews and non-Jews are close relations, bound by a common humanity that rabbis ignore at their peril. Even as the prevailing voice in the Talmud invokes fear and suspicion, constructing legal and psychological barriers that isolate Jews from others, another voice conjures a world where human relationships are more varied, full, and free. *Jews, Gentiles, and Other Animals* attends to the dynamic interplay between these two voices, reading AZ as an extended conversation about what it means to be human.

READING FROM THE OUTSIDE IN

This book is about ancient rabbis and their relationship to those outside their community. It is also about today's talmudic scholarship and its relationship to humanistic studies. Among the challenges I face are how to move in and out of a text that is notoriously inaccessible to the uninitiated, how to open up the dialogues, laws, and stories of the Talmud to questions and perspectives that come from outside the field of rabbinic studies, and how to invite into the Talmud's discourse readers who have no particular stake in the Talmud's arguments. The Talmud itself is both an outsider and an insider in relation to Western humanistic tradition—an outsider in the sense that it comes from a minority culture on the margins of the intellectual traditions that produced the humanities, an insider inasmuch as it comes from the same late antique culture that produced Christianity and has been shaped in interaction with Christians. The Talmud's outsider/insider status is why in my view it has a distinctive contribution to make to humanistic studies, and why my argument is always striving to move between the perspectives of those within the talmudic text and of those outside the text, including readers from outside talmudic studies.[54]

Throughout this book, I take an eclectic approach to critical theory, seeking out tools and perspectives that seem most apt and illuminating in relation to the passages and questions at hand. What justifies this eclecticism is the eclectic character of the Talmud itself, which incorporates a variety of different discursive modes and ranges across a variety of issues and topics, but this kind of approach brings another kind of benefit as well: it will allow us to pursue a variety of

different connections to the larger world of humanistic study, engaging literary theory, animal studies, and new scholarship about materiality. What ultimately holds everything together is my argument that the talmudic tractate itself is a cohesive unit, its disparate parts adding up to a larger whole.

This engagement with theories and methods that come from outside rabbinic tradition is one of the reasons I characterize my analysis of AZ as a reading "from the outside," but it is not the only one. A second sense of "the outside" relates to the way this book engages the perspectives of outsiders. The body of law that AZ addresses is centrally concerned with defining social boundaries. While the primary focus in AZ is on separating Jews from non-Jews, this boundary line intersects with other lines of division—between men and women, between rabbis and non-rabbis, between humans and animals. This book examines the explicit and implicit ways the Talmud constructs boundaries between insiders and outsiders, and attends to those whom the talmudic discussion marginalizes and excludes. One of my arguments is that the Talmud does not speak with one voice about the hierarchies that talmudic law constructs. Populating AZ with vivid non-Jewish characters such as Dama ben Netina is one way that the talmudic editors turn a self-critical eye on the prejudices of their own rabbinic culture. In moving non-Jews, women, and other figures from the margins of talmudic culture to the center of the analysis, this book strengthens the Bavli's internal critique, amplifying voices of opposition and extending their protestations against structures of exclusion into our own day.

A third sense of reading from the outside relates to the larger claim I make in this book, that there is an overarching structure that organizes AZ as a whole. To discern this architecture, one must step *outside* the thick weave of individual local sugyot and take a global perspective on the tractate, allowing large-scale patterns and recurrent motifs to come into view. As I show, there is a single organizing principle that governs the editorial expansions in much of AZ. Successive chapters of the tractate are organized as a journey down a cosmic ladder, moving from the heights of humans' spiritual aspiration down through descending rungs of creaturely existence. As the tractate begins, narratives about individuals who find redemption in the next world predominate. Later, the talmudic discussion shifts its orientation downward, from the supernal realm of souls and spirit to the material world of embodied, animal existence. Finally, the

deliberations drill down into the inanimate domain of objects, investigating the physical properties of idols and other things.

The overarching structure of the tractate is reminiscent of the ancient concept of the "great chain of being," the idea that all beings have a place in a cosmic hierarchy that descends from the reaches of heaven down to earth. This concept of the cosmic chain traces back to Plato and Aristotle and finds expression throughout the vicissitudes of Western thought and literature.[55] Within the Talmud, this idea is never designated by name, nor is it rigorously developed as it is in the philosophic tradition, but it nonetheless organizes the progress of AZ as it unfolds. When I describe AZ as a cohesive literary work, this claim centers on my identification of the chain of being as an organizing trope for the entire tractate. This is not to say that every aspect of AZ adheres to a unitary pattern; in fact, the end of AZ departs from this framework, as we shall see. Yet even when the cosmic chain ceases to function as a structuring device, it continues to inform the tractate's thematics.

The idea that there is hierarchical order to creation, a view that is widely shared in late antiquity, grounds AZ's depictions of the human condition. According to this view, humanity inhabits a special place in the cosmos. Since humans are made of material stuff, they often crouch toward their baser, animal impulses, but they are also capable of stretching toward the highest realms of spiritual attainment. Tracing the motif of the chain of being as it spirals through the talmudic tractate, I discover in AZ the outlines of a rabbinic anthropology that affirms the common humanity of Jews and non-Jews and highlights the role of Jewish law in constituting Jewish difference.

The organization of this book generally adheres to the structure of AZ, moving through successive sections in order. The traditional designations of AZ's five chapters are listed below (corresponding roughly though not precisely to the five chapters of the present book):

1. Lifney ʾEydeyhem
2. ʾEyn Maʿamidim
3. Kol Ha-tzlamim
4. Rabbi Yishmaʿʾel
5. Ha-sokher ʾet Ha-poʿel

Here is an overview of how my argument unfolds:

In Chapter 1, I draw on the critical insights of literary theorist Mikhail Bakhtin to flesh out some particulars of my literary approach

to talmudic discourse and narrative. I examine the rich narrative material that predominates at the beginning of AZ, reading a network of stories from "Lifney ʾEydeyhem" as a thematic introduction to AZ as a whole. Demonstrating the intertextual connections that link these stories, I show how they work together to generate an expansive conversation about the differences between Jews and non-Jews, and about the possibilities for human redemption. I consider how these stories can expand critical conversations about the dangers of binary thinking, and about the relationship between language and reality.

Chapter 2 turns to "ʾEyn Maʿamidim," revisiting the discussion of Gentile bestiality introduced above. I argue that this entire talmudic chapter is unified by a sustained engagement with animals. I look to the field of critical animal studies to help me investigate intersections among the gender, religious, and species hierarchies that the chapter engages, and describe the "animal thinking" that stands behind the Bavli's conception of law as that which elevates some human beings over others.

Chapter 3 confronts the issue that preoccupies AZ above all else, the laws of *yeyn nesekh*, or "libation wine." These are restrictions that govern Jews' use of wine that has been owned or handled by Gentiles. I argue that throughout the talmudic discussion, legal analysis and literary craft are thoroughly interpenetrating, so that casks of wine function simultaneously as objects of the law and as figures for the permeability of communal boundaries. Examining the legal dialectics and narrative traditions about yeyn nesekh, I identify a strategy of obfuscation that obscures the talmudic discussion. I propose that the secrecy and stringency that surround this body of law reflect rabbinic anxieties about the common humanity that links Jews and non-Jews.

Chapter 4 examines the treatment of idols and other objects in "Kol Ha-tzlamim" and "Rabbi Yishmaʿel," a discussion that emerges surprisingly late in a tractate named for idolatry. I propose that the belatedness of the tractate's engagement with idols can be explained in part by the overarching organization of the talmudic tractate, which moves from the supernal to the animal and only subsequently to the realm of inanimate things. I seek to show that the talmudic deliberations about idols and other material things participate in late antique debates about the nature of the physical world, and also about images, icons, art, and the meaning of representation. This chapter

brings the Talmud's discussions about the material composition of idols and other things into conversation with new critical approaches to materiality and objects.

In Chapter 5, I describe the shift that occurs at the end of AZ, as the editors turn their attention away from the construction of boundaries between Jews and non-Jews and toward the construction of boundaries between rabbis and other Jews. With this shift, the Bavli moves away from a notion of essential differences that distinguish Jews from other people, further unsettling the dichotomy between Jews and others. AZ concludes with a portrait of the rabbi as a figure who enjoys special prestige and a distinctive role in articulating what and who matters most. I conclude this book with some reflections about how the rabbinic anthropology I discover in AZ can enrich critical reevaluations of humanism, and about how talmudic studies fits into the world of the humanities.

To seek to analyze the Talmud—even a small part of it—is to experience the predicament that afflicts the sages who approach Dama in search of a rare gem. A treasury is close at hand and yet out of reach. Scholars are only now beginning to penetrate the distinctive ways that the Talmud makes meaning. This book examines one small part of the Bavli's vast oeuvre. Through sustained literary analysis of AZ, it seeks an interpretive key for unlocking the Talmud's artistry and anthropology, and uncovers a rich debate about what distinguishes Jews from others, and about what all human beings share in common.

To play on the literal meaning of AZ's title—*ʿAvoda Zara*—this tractate, like the corpus of which it is a part, is a *strange work*. In relation to the rationalized discourse of the humanities as pursued in the secular university, talmudic language and ideology are foreign, peculiar, Other, sometimes unassimilably so. In this book, I argue that this difference is productive. Even as critical theory can help interrogate and interpret the Talmud, the Talmud expands critical discourse about humanity, offering alternative conceptions of human identity, relationships, and responsibility.

CHAPTER 1

The Sense of a Beginning

> The dialogical orientation is obviously a characteristic phenomenon of all discourse. It is the natural aim of all living discourse. Discourse comes upon the discourse of the other on all the roads that lead to its object, and it cannot but enter into intense and lively interaction with it. Only the mythical and totally alone Adam, approaching a virgin and still unspoken world with the very first discourse, could really avoid altogether this mutual reorientation with respect to the discourse of the other, that occurs on the way to the object.
>
> —Mikhail Bakhtin

STORYTELLING IN "LIFNEY ʾEYDEYHEM"

Over the course of this book, I endeavor to show that "ʿAvoda Zara," or "Idolatry," is a misnomer as a title for the talmudic tractate. While here and there, the Bavli does indeed turn its attention to idol worship and other prohibited cultic practices, the tractate as a whole is far more concerned with social relationships among Jews and non-Jews, regardless of the non-Jews' religious proclivities. To a certain degree, something similar could be said of the mishnaic tractate that gives the tractate its name: while much of the material in Mishna ʿAvoda Zara is dedicated to distancing Jews from idolatrous activities and objects, the Mishna also includes rules governing relations between Jews and non-Jews in which idolatry does not play a role.[1] In the Bavli's treatment of the tractate, discussions of the laws governing Jews' interactions with non-Jews grow ever more complex and nuanced, and are further ramified by a diversity of stories in which Gentile characters are variously depicted as bosom friends, violent fiends, moral exemplars, and eternal enemies. Through a weave of legal dialectics and storytelling that extends, exceeds, and sometimes undermines the laws of the Mishna, AZ examines social, economic, and political relationships between Jews and non-Jews, as well as between rabbis and other Jews.

That the Bavli wanders from AZ's explicit subject of idolatry is no surprise—digression is the Bavli's wont in every tractate. The specific argument that I make here is that the digressions in AZ are not haphazard, but the expression of a coherent literary project. Building on a generation of Bavli scholarship that has discerned artistry in what earlier readers had dismissed as mere accident, I argue for reading AZ's apparent digressions from its announced theme as constitutive of a sustained deliberation about what precisely distinguishes Jews from non-Jews, what they share in common, and, more profoundly, what it means to be human. I seek to show that over the course of the tractate as a whole, AZ uses the concept of a cosmic chain of being to organize its deliberations about the place of humanity in the universe, examining links between the human and the divine on the one hand, and among humans, animals, and objects on the other.

In this chapter, I focus on storytelling in "Lifney ʾEydeyhem," a choice generated by the particular literary shape and content of AZ's opening chapter. At the start of "Lifney ʾEydeyhem," moments of storytelling alternate with dialectical discussions of the Mishna, but then, as the chapter proceeds, narratives proliferate. Story begets story in extended chains of narratives that deviate from the topics and concerns raised by the Mishna. While the mishnaic laws that provide the skeleton for the chapter regulate a range of economic activities that bring Jews and non-Jews into relationship—buying, selling, loaning, borrowing, leasing, and joint building projects—the stories describe an even greater breadth of interactions, from sex to murder. These departures from the Mishna's framework are largely original to the Bavli. This means that by examining storytelling in "Lifney ʾEydeyhem," I focus on those places where the final editors' literary interventions and distinctive vision can be discerned most clearly.[2]

I offer literary analyses of five stories from "Lifney ʾEydeyhem," paying special attention to the intertextual links among them. These five stories depict both conflicts and commonalities between Jews and non-Jews, introducing motifs that carry through the tractate as a whole. One recurrent theme is the possibility for human transcendence, a promise of life in the next world that the storytellers extend to rabbis, martyrs, and ordinary Jews, and also to extraordinary non-Jews. Through close readings of these stories, I explore how the editors of AZ construct boundaries between Jews and non-Jews, and also how they complicate them. I argue that these stories' narrative depictions of links between this world and the next, and of

commonalities across the Jew/non-Jew divide, make them a fitting introduction to AZ as a whole.

After making my case for reading these stories as an introduction to the tractate, I draw on a strain of posthumanism called "the new materialisms," and offer some preliminary suggestions about how my readings address a central issue in critical theory—the problem of binary oppositions. As I pointed out in the introduction, in rabbinic literature binary thinking is built into the very terminology of the *goy*. The stories of "Lifney ʾEydeyhem" not only presume the binary of Jew/non-Jew, but also engage other dualities such as body and spirit, high and low, and inside and outside. Drawing on Mikhail Bakhtin's account of the carnivalesque, I examine how these stories sometimes reify binary oppositions and sometimes subvert them. The narratives of "Lifney ʾEydeyhem," riven as they are by binary schemes, offer a case study in how talmudic discourse addresses the gap between the messy realities of human life and the constraining categories of human language. I close this chapter with an exploration of how talmudic storytellers forge relationships between world and words, between matter and discourse.

BEGINNING WITH THE END (AZ 2A–3B)

The Bavli is famous for starting in the middle of things, presuming that its readers bring knowledge of the whole of the work to each and every part.[3] This does not mean, however, that individual tractates do not have a discernible shape. Often, the beginning of a tractate displays intricate editorial artistry, with an opening sugya that introduces the overarching themes of the tractate as a whole.[4] A complex weave of narrative and dialectic in AZ's opening pages (2a–3b) not only announces the central theme of Jewish-Gentile relations, but also exemplifies the ways in which shifts of form and style shape meaning throughout the tractate.

My reading of the beginning of AZ builds on the insights of Jeffrey Rubenstein, who devotes a chapter of his book *Talmudic Stories* to the homiletical narrative that begins on AZ 2a (the first page of the tractate) and extends—with frequent interruptions in the storytelling—all the way to 3b.[5] Rubenstein's analysis obviates the need to recapitulate the entirety of this extended passage here. He effectively isolates the arc of an eschatological drama from what might otherwise read as a series of disconnected scenes punctuated

by exegetical comments and brief dialectical exchanges.[6] The story depicts God's judgment of the non-Jewish nations at the end of days. Rubenstein breaks the story down into three parts that he titles "God Judges the Nations," "The Nations Dispute God's Justness," and "The Nations Reject Torah."[7] Here is my summary of each section:

I. *God Judges the Nations*: God sits in judgment, holding a Torah scroll in His lap, as one after another the nations come before him. God asks each nation for an account of their accomplishments in the realm of Torah. Rome comes in first and argues that their achievements—establishing markets, building bathhouses, and amassing gold and silver—were all undertaken so that Israel could busy themselves with Torah. God rejects their account, judging that all their achievements were pursued not for the sake of Torah, but for their own selfish ends. Then Persia enters and claims their chief accomplishments—bridges, cities, and wars—were pursued for the sake of Israel and Torah. God rejects them as well. Other nations, not specified in the text, are likewise convicted.
II. *The Nations Dispute God's Justness*: First, the nations object that they should not be held responsible for failing to meet the demands of the Torah, since it was never entrusted to them. God counters that they failed even to fulfill the seven commandments that were given to them directly. The nations then change their tack, arguing that Israel failed to fulfill the Torah as well. God tries to testify on Israel's behalf, but the nations object that neither God nor Heaven and Earth can serve as witnesses on Israel's behalf because they are not disinterested. God then calls upon a series of biblical figures, all of them Gentiles, to testify that the Jews did indeed fulfill the Torah: Nimrod is called on behalf of Abraham, Laban for Jacob, Potiphar's wife for Joseph, Darius for Daniel, Nebuchadnezzar for Ḥananya, Mishael and Azarya, and, finally, Job's neighbors on behalf of Israel generally. The nations then ask for another chance to fulfill the Torah.
III. *The Nations Reject Torah*: God acquiesces, giving the nations the chance to prove themselves through the observance of *suka*, the commandment to dwell in temporary huts during the harvest festival of Sukot. The nations go and build huts on their roofs, but then when God sends a heat wave, they kick the huts down and abandon the effort. God laughs at them.

What this plot summary alone does not convey is the way that the editors' frequent interruptions influence the experience of reading or hearing the story. As Rubenstein notes, the narrative flow of this extended passage is difficult to discern because "the BT redactors have annotated the story with numerous non-narrative comments

that add explanations, pose questions, offer solutions and juxtapose related traditions—the typical features of talmudic discourse."[8] That Rubenstein is able to discern a narrative structure with a beginning, middle, and end amid the oscillating crosscurrents of this roiling material speaks to his acuity as a reader, and also to the hardiness and potency of the narrative form. Beyond the structural connections that unite the parts of the story on the level of plot, Rubenstein identifies other elements that unify the narrative such as keywords that recur throughout the three parts of the story,[9] and a concatenation of homiletical treatments of two scriptural passages, both eschatologically oriented: Isaiah 43:9 and Psalms 2:3–4.[10] All of these elements work together to convey a clear, unitary message about non-Jews: ultimately, they will find no redemption. In Rubenstein's reading, the story serves not only to prosecute non-Jews, but also to highlight and elevate the central value of talmudic culture, Torah. Rubenstein sums up the story's central message as follows: "In brief, the gentiles receive no share in the world to come because they never fulfilled the Torah."[11] He argues that the story serves as an apt introduction to AZ for two reasons: first, because it addresses the theological issues raised by the Mishna's treatment of Gentiles, and second, because it gives narrative expression to the negative view of Gentiles enshrined in mishnaic law.[12]

I agree with Rubenstein that this sugya is an apt introduction to the tractate, but for different reasons. As I demonstrate over the course of this book, AZ does not speak with one voice in its judgments about Gentiles, or about anything else for that matter. The opening story's prosecution of the nations is interrogated, challenged, and subverted in multiple ways, not just in the material that follows *after* the presentation of this extended courtroom narrative, but also in the frequent disruptions spliced into the telling of the story itself. In my view, the opening sugya can best be appreciated as an introduction to AZ when these frequent interruptions to the narrative flow are restored to the literary analysis. These insertions and digressions disrupt the coherence of the narrative and undermine its unitary message. It is this very quality of disruption, challenge, and multivocality that recommends the opening sugya as an introduction to AZ as a whole. In diverse ways that I elaborate, as the Bavli proceeds through the tractate it enlists narrative, law, and dialectic to unsettle the judgments about non-Jews that are its patrimony from the Mishna. Far from supporting the Mishna's negative judgments about non-Jews, this opening

sugya, like the tractate as a whole, raises questions about what ultimately distinguishes Jews from other people.

My slight departure from Rubenstein is thus in the relative significance I assign to the narrative versus non-narrative sections of the tractate's opening passage. Rubenstein's effectiveness in extracting a tight, cohesive narrative obscures the degree to which the sugya itself resists his exertions; as his recapitulation of the "digressive" material in the form of footnotes indicates, the non-narrative material rivals the narrative in sheer volume, word for word. Rubenstein himself points out that these excursions from the narrative form frequently "mobilize dissenting opinions from within the tradition and demonstrate that the issues are more complex than they appear."[13] He highlights one example—a tradition cited in the name of Rabbi Me'ir that directly opposes the narrative's exclusion of Gentiles from the realm of Torah and its rewards: "Is it not taught in a baraita: Rabbi Me'ir used to say: From whence do we know that a non-Jew who occupies himself with Torah is like the High Priest? Since it says, '[You shall keep My laws and My rules], by the pursuit of which a person shall live' (Lev. 18:5). It does not say, 'priests, Levites, and Israelites,' but rather 'a person!' This teaches that even a non-Jew who occupies himself with Torah is like the High Priest."[14] Rabbi Me'ir's assertion that Torah study effectively dissolves distinctions between Jews and non-Jews presents a stark contrast to the story's rejection of non-Jews as a class. Though the statement that follows the citation of Rabbi Me'ir's teaching upholds a distinction between Jews and non-Jews in the realm of reward and punishment, it offers a far more moderate position than the one dramatized in the story: "Rather, this comes to teach us that they do not receive reward equal to that of one who is commanded and fulfills the Torah, but rather reward appropriate to one who is *not* commanded and nevertheless fulfills the Torah."[15] This reasoned exchange, inserted into the middle of the story (in section II according to the plot summary above), suggests that non-Jews are not worthy of the same rewards as Jews, but nonetheless challenges the story's depiction of non-Jews as an utterly irredeemable group.

In addition to the example highlighted by Rubenstein, another example of an aside that disrupts the story's prosecutorial treatment of non-Jews occurs a bit further on, when the anonymous voice of the editor objects to the storyteller's characterization of God: "But did you not say: The Holy One does not deal despotically with His

creatures?!"[16] This challenge appears at the point in the story where God sends a heat wave to foil the Gentiles in their attempt to fulfill the precept of suka. Locally, the comment resists the depiction of God as a double-crosser who would deliberately undermine human efforts to fulfill His commandment. It also functions more broadly, calling into question the theological message dramatized within the story, that God summarily rejects everyone but Israel. These two examples demonstrate how frequent interruptions into the storytelling not only disrupt the esthetic experience of the story's narrative flow, but also challenge the messages conveyed by the story, point for point. From the beginning, then, the variegated forms and content of the opening sugya of AZ work together to resist readers' efforts to extract a unitary message.

There is yet another, more subtle way that this sugya evades facile interpretation, and it relates to oscillations in the tone of the storytelling rather than to shifts in form. As laid out in Rubenstein's analysis, the drama of God's final confrontation with the nations unfolds in three distinct movements, or sections. The first two conjure up a courtroom setting and cast God as judge. Though the nations are rejected, they are not belittled: they are given their day in court, and their claims and rebuttals are argued point for point. In these two sections, the storytelling is serious and the tone is solemn. In Section III, the story changes settings and the action moves outside, to where the non-Jews build—and as quickly destroy—their rooftop huts. In this section, God ceases to play the role of a dispassionate judge when He enlists His cosmic powers to undermine the Gentiles' last-ditch efforts to merit redemption, and zaps them with an unseasonable heat wave. What began as a solemn, serious story here veers into farce.[17] The non-Jews are reduced to caricature, as to a person they kick their sukot down in frustration. Sections I and II depict the rejection of non-Jews from the next world as an expression of divine justice; Section III revels in their defeat and gives us a laugh at their expense. Section III does not so much resolve the story as dissolve it, when the reasoned rhetoric of the courtroom gives way to tricks and taunts.

The slide from solemnity to slapstick I am seeking to capture here is a subtle shift, difficult to sense and hard to describe, and I would not press this point too hard except that it provides a glimpse into the range of ways the Bavli's distinctive discursive practices make meaning. Stories convey meaning differently than do statements of law or dialectical exchange. One possibility that a literary analysis opens up

is the ability to pay careful attention not just to what the Bavli says, but to how it says it. Here, we are reminded that not all stories work the same way. As Daniel Boyarin has shown, the Bavli speaks in a cacophony of voices: some pious, some playful, some solemn, some ribald.[18] The interplay between voices in the opening narrative of AZ is yet another illustration of just how apt an introduction this sugya is to the tractate as a whole.

In my view, this story cannot sustain the burden of carrying any one overarching message. Even when we set aside the multiple intrusions into the narrative, as Rubenstein's artful analysis and layout on the page help us to do, shifts in the tone and style of the storytelling strain the narrative structure. Assailed by argument and overcome with laughter, the narrative is pressed from without and from within. The story does a good job, nonetheless, of conveying AZ's preoccupation with non-Jews, and of registering the difficulty in reaching any hard and fast conclusions about what precisely differentiates Jews from other people. This opening sugya succeeds as an introduction precisely because it frustrates any effort to give it the last word.

A STORY OF ADAM (AZ 8A)

Not long after the sprawling, digressive account of the final judgment that opens the tractate, one finds a much more compact story, this one focusing on humanity's beginnings. This talmudic tale of Adam is precisely the kind of story we might have expected to find in a tractate called ʿAvoda Zara since it offers an etiology for the idolatrous practices of non-Jews. I read it as a foil for the opening sugya, a striking illustration of the road not taken by the editors who crafted the beginning of the tractate. This story's tight construction and strong narrative voice make the multivocality and disruptions of AZ's opening sugya all the more salient.

The story appears in the context of a gloss on the third mishna of the tractate, in which the feasts of the Gentiles are listed by name: "These are the festivals of the Gentiles: Calenda, and Saturnalia, Kratesis, the emperors' anniversary, [their] birthday, and the day of [their] death—the words of Rabbi Meʾir."[19] The Bavli's commentary opens with a statement by Rav Ḥanan bar Rava, who identifies Calenda as the eight days preceding the winter solstice, and Saturnalia as the eight days following the solstice. The Bavli then presents our story in

the form of a baraita, identifying the origins of both these festivals in the first human being's response to the descent of the world's first winter:

> Our rabbis taught: When the first human being saw the daytime diminishing more and more, he said, "Woe is me! Because I offended, the world is diminishing more and more; this is the penalty imposed by heaven, that the world should revert to chaos."
>
> He sat and fasted for eight days.
>
> When the Tevet Solstice occurred and he noticed the daytime getting longer and longer, he said, "This is the custom of the world."
>
> He rose and sat for eight festival days.
>
> In the subsequent year, he observed both occasions as festivals. *He* established them for the sake of Heaven, but *they* established them for the sake of idolatry.[20]

An etiology for the particular Roman festivals cited in the Mishna's interdictions, this story can also be read as an account of the existential origins of human worship in the twin impulses of terror and gratitude. When Adam first observes the shortening hours of daylight he is filled with fear, and also with guilt; he sees the growing darkness as the unraveling of the cosmos and assumes that it was his act of disobedience that brought about the world's undoing. When the solstice passes and the days begin to lengthen, Adam discovers his error: far from signaling cataclysm, the seasonal darkness reflects the patterned cycles of nature. In this story, Adam realizes that he is not the center of the universe. What he took to be an expression of God's moral judgment was in fact a reflection of cosmic patterns. Adam responds to the realization of his own smallness vis-à-vis the universe with an act of piety, making a feast. What begins as a spontaneous expression of existential fear and gratitude becomes the basis for ritualized feasting in future years. According to the coda at the end of the narrative, Adam's calendar of worship in time transmutes into the idolatrous feasts of pagan Rome. While the coda draws a contrast between the righteous impulses of Adam and the idolatry of contemporary pagans, the very identification of Adam as the originator of pagan rites serves to humanize the pagans. In striking contrast to the depictions of Gentiles as villains in AZ's opening sugya, this story recognizes commonalities between Jews and pagans as the common children of Adam. It depicts God not as a judge or as defender of Jews, but as the cosmic ruler of the natural world. In identifying

the roots of idolatry in the penitential acts of Adam, this story invites its readers to imagine that even Adam's most errant idolatrous offspring might not be as utterly irredeemable as the story in the tractate's opening sugya suggests.

The universalist slant of this story comes through all the more strongly when it is contrasted with a variant preserved in the Palestinian Talmud. In the Palestinian Talmud, the story is attached to the same mishna as in the Bavli, but it is deployed for different ends. While the provenance of the two sources alone cannot be taken as evidence that the Palestinian Talmud's version is earlier, Alyssa Gray points to a complex of similarities and differences among the parallel sugyot to argue that the version in the Palestinian Talmud served as a model for the Bavli.[21] Her analysis lends credence to my proposal that the Bavli editor has reworked the story so as to emphasize the common Adamite origins of Jews and non-Jews, and of their ritual calendars. Here are the two versions of the stories, laid out side by side:

Palestinian Talmud	*Babylonian Talmud*
Rav said:	
Calends has been established by the first man. When he saw that the night was getting longer, he said, "Woe is me. Perhaps he, concerning whom it is written 'He shall strike at your head and you shall strike at their heel' (Gen. 3:15)—perhaps he is going to come and bite me!? 'And I say: Surely darkness will strike me.' (Ps. 139:11)."	Our rabbis taught: When the first human being saw the daytime diminishing more and more, he said, "Woe is me! Because I offended, the world is diminishing more and more; this is the penalty imposed by heaven, that the world should revert to chaos."
	He sat and fasted for eight days.
When he saw the days were getting longer, he said, "Calends!" [which means] kalon ["How beautiful"—Greek] dio ["is the day!"—Latin][22]	When the Tevet Solstice occurred and he noticed the daytime getting longer and longer, he said, "This is the custom of the world."
	He rose and sat for eight festival days.
	In the subsequent year, he observed both occasions as festivals. He established them for the sake of Heaven, but they established them for the sake of idolatry.

The Palestinian Talmud's story is clearly a version of the story we saw in the Bavli, and yet there are some striking differences. Both stories offer an etiology for Roman festival practices: The Palestinian version emphasizes etymology, crediting Adam not just with initiating the *calendae*, but also with coining a name for the occasion. The Bavli version does not mention the names of holidays, but rather offers an explanation for the cross-cultural phenomenon of holding religious feasts before and after the winter solstice. The two versions of the story relate very differently to Scripture. An act of exegesis is at the center of the story in the Yerushalmi version, as Adam discerns a verbal link between God's curse of the snake (הוא ישופך) and the Psalmist's evocation of darkness as a threat (ואמר אך חשך ישופני). Here, it is the association of darkness with the serpent, generated by a midrashic reading of Scripture, that accounts for Adam's fear and directly implicates Adam.[23] The Bavli version emphasizes Adam's sense of guilt without providing any exegetical basis for it: "Woe is me. Because I offended, the world is diminishing." In the Bavli, Adam's guilt and fear emerge from narrative considerations, not interpretive ones. While the Palestinian Talmud offers a tightly crafted melding of exegesis and narrative, it is the Bavli version that conjures a fully realized narrative world and breathes life into its character. I propose that the Palestinian version preserves the exegetical seed for the tradition, and that the Babylonian editors of AZ changed the story in keeping with the more expansive anthropological themes of AZ.[24] Unlike the Palestinian version, the Bavli story of Adam relates to broad themes of human experience, emotion, and religiosity.

I offer this exercise in contrasting the Palestinian and Babylonian versions of Adam's tale in order to bring out an even more arresting set of differences that play out within the pages of the Bavli—the differences between AZ's story of Adam and AZ's opening sugya. While it might be overstating things to suggest that the Bavli storyteller extends sympathy to non-Jews in this story of Adam, the mere acknowledgment of kinship between Jews and idolators conveys a very different attitude about non-Jews than we saw in the opening sugya. I read these two contrasting traditions as two alternative beginnings to AZ. The story of Adam is a compact specimen of narrative form and is topical in its focus on the origins of idolatry, the nominal theme of the tractate. The opening sugya's account of the Judgment of the Gentiles disrupts its own semblance of narrative, oscillating between seriousness and farce, between final judgments and opposing

voices. While both stories are included within the tractate's opening chapter, it is the more chaotic one that is given a far more prominent position. In choosing this beginning for the tractate, the editors were not merely choosing a negative portrayal of Gentiles over a more positive one. They were choosing to give prominence to veering forms and colliding voices, rather than to any cohesive vision of wholeness.

The contrasts between the story of Adam and the opening sugya are emblematic of differences between two modes of discourse that come together in "Lifney ʾEydeyhem" and in the Bavli generally. Drawing on the theories of Mikhail Bakhtin, one could characterize the epic style and unitary message of Adam's tale as "monologic," and the raucous oscillations of the opening sugya as "dialogic."[25] While both kinds of discourse can be found in AZ, it is the dialogic mode that characterizes talmudic discourse in general. Though a discrete tradition like the tale of Adam might speak in a singular voice, when juxtaposed with the other materials that make up an extended passage in the Bavli it joins a cacophonous mix of languages, forms, styles, and perspectives. A brief excursion with Bakhtin's account of dialogism will help us flesh out what it means to read the Bavli as literature.

READING THE BAVLI WITH BAKHTIN

Though Mikhail Bakhtin might never have set eyes on a page of Talmud, his theories of language and literature have changed the way literary scholars read the Talmud.[26] Bakhtin (1895–1975) lived and wrote in obscurity in the Soviet Union for most of his life, persecuted for his connections to the underground Russian Orthodox Church, and was discovered by scholars in the Soviet Union and the West only shortly before his death. Posthumously, his writings on dialogism, heteroglossia, and the carnivalesque have had a profound influence on literary and cultural criticism. His approach to language, literature, and ethics—developed in investigations of the novel—entered scholarly discussions about rabbinic literature through the mediation of Daniel Boyarin over two decades ago, and have provided a language for talking about the discursive qualities of rabbinic literature in general, and of the Bavli in particular.[27] Whether Bakhtin knew the Talmud or not, the Talmud offers a literary specimen that is perhaps even more attuned to his insights about language than the novels of Rabelais and Dostoevsky that served as Bakhtin's laboratory.

For Bakhtin, language is a quintessentially social phenomenon. Words become meaningful solely through social interchange, through their use and reuse. This is why Adam's solitary speech is but a faint shadow of language, if it can be considered language of at all.[28] For Bakhtin, all language is already said, which does not make language inert but dynamic:

> Indeed, any concrete discourse (utterance) finds the object at which it was directed already as it were overlain with qualification, open to dispute, charged with value, already enveloped with an obscuring mist—or, on the contrary, by the "light" of alien words that have already been spoken about it. It is entangled, shot through with shared thoughts, points of view, alien value judgments and accents. . . . The living utterance . . . cannot fail to brush up against thousands of living dialogic threads, woven by socio-ideological consciousness around the given object of an utterance; it cannot fail to become an active participant in social dialogue.[29]

Though Bakhtin himself did not coin the term "intertextuality," he is regarded by some as the pioneering theorist behind the approach.[30] "Dialogism" is the word Bakhtin uses to capture the way in which every utterance becomes meaningful in the context of social exchange; it refers to a quality that inheres in language generally, as every word, having already been used, is shot through with different shades of intention, value, and points of view representing different social positions. In describing the qualities of the various literary genres, Bakhtin contrasts genres that suppress the dialogic aspects of language—such as epic poetry—with genres that reproduce and accentuate them, such as the novel.[31]

The contrasts Bakhtin draws between the genre of epic on the one hand and novels on the other map onto my analyses of the two stories from AZ's opening chapter in interesting ways. While the chief distinction between epic and the novel relates to the quality of dialogism—a novel admits multiple voices, perspectives, accents, and dialects, while epic is related in a unitary voice—Bakhtin describes differences in their temporality as well. His description of epic could aptly serve as a description of how AZ's story of Adam conjures up a world as exalted as it is remote: "It is a world of 'beginnings' and 'peak times' in the national history, a world of fathers and founders of families, a world of 'firsts' and 'bests.' . . . The epic . . . has been from the beginning a poem about the past, and the authorial position . . . is the environment of a man speaking about a past that is to

him inaccessible, the reverent point of view of a descendant."[32] Like the genre of epic, AZ's story of Adam offers a reverent glimpse of an unrecoverable mythic past. At the same time, the sprawling, disrupted story of the Gentiles' final judgment on AZ's opening pages closely approximates the temporal qualities and style that Bakhtin assigns to the novel. Bakhtin points out that even when the theme of an ancient novel is serious, and even when it relates to myth, it "is portrayed without any distance, on the level of contemporary reality, in a zone of direct and even crude contact. . . . It is precisely laughter that destroys the epic, and in general destroys any hierarchical (distancing and valorized) distance."[33] Bakhtin's analysis suggests that AZ's opening story's descent into laughter is integrally related to the story's dialogic nature.[34] In its relation toward time, as in its admission of multiple voices, perspectives, and registers, this story banishes the reverential distance that characterizes epic. While the story of Adam demonstrates that the editors of the Bavli are capable of adopting a monologic voice, it is the raucous dialogism of AZ's opening sugya that typifies the Bavli's discourse.

Bakhtin's account of dialogism informs my readings of the Bavli in several ways. First, it demonstrates the folly of making any unitary statements about what AZ says or what "the rabbis" believe about non-Jews, or about any other topic. As we have already seen, the Talmud juxtaposes disparate attitudes, styles, views, and voices in close proximity. When I take issue with scholars who ascribe a particular attitude to the rabbis generally or to the editors of AZ, it is not because such an attitude cannot be found in the tractate, but rather because of the difficulty of isolating a dominant or majority view from the crosscurrents, contradictions, interactions, and subversions of dialogic discourse.

Second, Bakhtin's account of dialogism alerts me to the intensely intertextual nature of talmudic discourse. In both narrative contexts (examined in this chapter) and in legal dialectic (examined in the next chapter), the Bavli repeats and reuses marked words and phrases. With each repetition, meaning is extended, revised, and overturned in ways that reverberate throughout the network of linked passages.[35] The dynamic interaction among texts shifts the task of the interpreter from an attempt to assign fixed meanings to a description of how the text resists and complicates being pinned down.[36] This is not to say that the texts have no meaning, but rather that there is a surfeit of meanings to open up. Since the words are always already "charged,"

"overlain," and "entangled," it is the interpreter's task to examine the circuitry, take stock of the layers, and trace the enmeshed knots of meaning and value. The emphasis is on how texts speak rather than on what they say.

Finally, Bakhtin's characterization of language as quintessentially social is an invitation to attend to the ways in which the discourse of the talmudic text is inextricably connected to the social settings from which it emerges, and in which it finds its meanings. An important difference between Bakhtin's dialogism and the theories of intertextuality to which it gives rise is Bakhtin's emphasis on the continuity between literature and the vitality of spoken language and social intercourse. In contrast to poststructuralist thinkers who describe the ways that language constructs reality, Bakhtin emphasizes how diverse social realities are expressed through literature. Bakhtin gravitates toward genres that participate in the teeming, multitudinous minutiae of everyday social interactions. Applying his insights to talmudic discourse, I emphasize the ways in which AZ's deliberations engage the rich complexity of interpersonal relations, resisting abstraction into general categories and principles.

We have already seen two alternative beginnings to AZ that depict non-Jews in dramatically different ways: the opening sugya's narrative voice alternates between prosecuting non-Jews and ridiculing them for their failings, even as other voices interrupt with more tolerant views; and the story of Adam acknowledges the common humanity of pagan idolators. As we make our way through the tractate's opening chapter, narrative depictions of Gentiles multiply. I now turn to three more intersecting narratives in "Lifney ʾEydeyhem," examining how their interaction strains the sharp bifurcation between Jews and non-Jews that the Bavli inherits from the Mishna. Through this network of stories, the editors of AZ introduce themes that run through AZ as a whole, initiating a sustained, open-ended conversation about the differences that separate Jews from non-Jews, and about the commonalities that unite all people.

THE MARTYRDOM OF RABBI ḤANINA BEN TRADYON (AZ 18A)

Dispersed through the latter half of "Lifney ʾEydeyhem" are three stories of dramatic deaths that all end with the identical exclamation by Rabbi Yehuda Ha-Nasi: "One person gains eternal life in a

single hour, and another over the course of years."[37] Rabbi Yehuda Ha-Nasi (or "Rabbi" as he is known in the Bavli) is not a character in any of these stories. In all three, he is portrayed as a commentator on the events, and his words can be characterized as a statement of evaluation, an articulation of why the story is worth telling.[38] It is not clear if one story served as the original site for the statement before it migrated to the other two stories.[39] Whatever the process by which the stories took shape, we have no evidence of any version of any of these three traditions in which Rabbi's response does not appear. The closing line that these three stories share in common forges a strong link among them, inviting us to read them together.

The story of the martyrdom of Rabbi Ḥanina ben Tradyon is the longest of the three traditions that include Rabbi's evaluative comment. The story appears in the closing pages of "Lifney ʾEydeyhem" alongside two alternative accounts of Rabbi Ḥanina's demise; these three stories of Rabbi Ḥanina are part of a long chain of narratives beginning on b. AZ 16b and continuing onto 18b that offer interlinking accounts of various rabbis' dangerous encounters with the triple menaces of *minut*,[40] or heresy, the Roman government, and sexual temptation. The three stories of Rabbi Ḥanina's travails at the hands of the Romans are each governed by a distinctive narrative logic, and they offer differing accounts of the grounds for his punishment. In the first story, which begins on 17b, Rabbi Ḥanina is arrested together with Rabbi ʾElʿazar ben Prata, who escapes punishment through divine intervention, in contrast to Rabbi Ḥanina who is sentenced to death. In this story, the Romans punish Rabbi Ḥanina for disregarding their prohibition on Torah study, and the narrator implies that God does not intercede on Rabbi Ḥanina's behalf because of his failings in the realm of acts of lovingkindness.[41] In the second story (17b–18a), Rabbi Ḥanina is convicted together with his wife and daughter; he and his wife share responsibility for pronouncing God's name, and his daughter is guilty of having enjoyed the admiring glances of Roman men while she walked down the street. All three of them quiescently accept harsh punishments by the Romans, articulating their belief that God is the ultimate source of punishment and thus justifying the divine decree.

The third story of Rabbi Ḥanina's martyrdom, presented below, is the most developed of the three Rabbi Ḥanina stories and offers yet another account of his offense and execution. Emphasizing the brutality of the Roman regime, this tradition portrays Rabbi Ḥanina

as innocent of all but the most minute of errors. Within AZ, this story is embedded in a web of intertextual connections: it is verbally and thematically linked to other stories of Roman persecution in the immediate context of the sugya; to the stories of Ketiʿa bar Shalom and ʾElʿazar ben Dordya, which share its closing line; and to the story that opens the tractate as a whole, the story of the Judgment of the Nations at the end of days.

Our sages taught: When Rabbi Yosi ben Kisma became ill, Rabbi Ḥanina ben Tradyon went to visit him.

He said to him, "Ḥanina, my brother, don't you know that this nation was granted sovereignty to rule by Heaven? For it destroyed His house and burned His sanctuary and killed His pious ones and destroyed His best ones, and still it persists! Yet I have heard that you gather assemblies in public, with a scroll of Torah resting in your lap, and you sit and expound!"

He said to him, "Heaven will have mercy."

He said, "I'm telling you words of reason, and you say to me, 'Heaven will have mercy'!? I will be astonished if they don't burn you and the Torah scroll with you."

He said to him, "My Master, how am I doing with regard to life in the world to come?"

He said, "Is there something that you have done?"

He said, "I once mixed up Purim donations with charity donations, and distributed them to the poor."

He said, "If that is all, may your portion be my portion, and your fate my fate."

They said it was not but a few days later that Rabbi Yosi ben Kisma died, and all the great men of Rome went to bury him. Upon their return they found Rabbi Ḥanina (ben Tradyon) who was sitting and engaging in Torah, gathering assemblies in public with a Torah scroll resting in his lap.

They took him and wrapped him (in the Torah scroll) and surrounded him with bundles of branches, and set them on fire. Then they took sponges of wool soaked with water and placed them on his heart, so that his soul would not depart quickly.

His daughter said to him, "Father, that I should see you like this!"

He said to her, "If I alone were burning, the matter would be grievous. Now that I am burning together with the Torah scroll, the one who will redress the offense to the Torah scroll will also redress the offense to me."

His students said to him, "(Master,) what do you see?"

He said to them, "I see the letters flying up and the parchment burning."

They said to him, "Open your mouth for the fire to enter so that your soul can depart quickly."

> He said to them, "It is better that the one who gave it should take it away, and I should not injure myself."
>
> A (certain) executioner said to him, "Master, if I add to the wood and take the wool sponges from your heart, will you deliver me to life in the next world?"
>
> He said to him, "Yes."
>
> "Swear to me."
>
> He swore to him.
>
> Right away, he added to the flame and took the wool sponges from his heart, and his soul departed. Then he too jumped into the fire and his soul departed.
>
> A *bat kol* [heavenly voice] exclaimed, "Rabbi Ḥanina ben Tradyon and the executioner are invited to life in the next world."
>
> Rabbi wept and said, "One person gains eternal life in a single hour, and another over the course of years."[42]

One striking thing to note about this story is the way its artful construction manipulates our experience of time, so that even as the plot moves inexorably to Rabbi Ḥanina's fiery end, we are made to linger for long moments as witnesses to his slow and gruesome death. Almost every aspect of the plot is predicted in the opening scene, in which the dying Rabbi Yosi ben Kisma warns Rabbi Ḥanina that the Romans are certain to burn him and his Torah scroll if he persists in teaching Torah in public. During the course of their dialogue, Rabbi Ḥanina implies that such an end is of little concern to him; much more pressing for him is the question of his prospects for life in the next world. As the plot unfolds, Rabbi Yosi's fears and Rabbi Ḥanina's hopes are each answered in turn: Rabbi Ḥanina is indeed burned with his Torah scroll, as Rabbi Yosi foretold, yet he is also rewarded with a portion in the next world, as he had hoped and as Rabbi Yosi had assured him would be the case.

In between the somber predictions of Rabbi Yosi and their realization lies an extended scene of torture, in which the use of dialogue slows the pace of the narrative to match the experience of time in the narrated world. A succession of verbatim exchanges, first between Rabbi Ḥanina and his daughter, then between Rabbi Ḥanina and his students, and finally between Rabbi Ḥanina and his executioner, forestalls the end we have been primed to expect. As readers, we are cast as bystanders to Rabbi Ḥanina's suffering, experiencing his slow demise as if alongside his loved ones. When dialogue at long last gives way to narration, the quick and decisive actions of the executioner are conveyed in a rapid sequence of short phrases that shift our experience of time yet again. Rabbi Ḥanina's death had been expected from

the beginning, and its belated arrival comes as a relief. In contrast, the self-inflicted death of the executioner comes suddenly, with little warning. The brisk narration of the executioner's final acts expresses the immediacy of his decision and exemplifies the very temporal contrast that Rabbi's closing words of evaluation announce as a theme—some earn their rewards in a flash, while others accomplish them through the onerous slog of time.

The story conveys its meaning through the strategic use of doubles and doubling. As we have seen, almost every action that occurs is repeated twice, first in the form of a prediction or promise and then as the action unfolds. This narrative feature is reflected within the narrated world, where the hero is paired with one double in the opening scene and another double in the end. In the opening scene, the dying Rabbi Yosi ben Kisma proclaims his sense of kinship with Rabbi Ḥanina, calling him "my brother" and exclaiming, "May your portion be my portion, and your fate my fate!" In fact, Rabbi Yosi serves as a foil for Rabbi Ḥanina, and their lots diverge in every way: Rabbi Yosi counsels quiescence while Rabbi Ḥanina chooses to openly defy Roman decrees; Rabbi Yosi dies a natural death while Rabbi Ḥanina is executed; Rabbi Yosi attracts crowds of Roman leaders to his funeral, while Rabbi Ḥanina draws assemblies of students. At the end of the story, Rabbi Ḥanina is provided with another double—his executioner. Though the life circumstances of these two could not be more different—as Roman and Jew; as torturer and tortured—they come to an identical end, in death and in the world to come. Despite initial appearances, it is ultimately not the two rabbis who share a single fate, but rather the two who meet across a canyon of difference.

In between the opening and closing scenes, Rabbi Ḥanina suffers his agonies alone, but here too he has a double, albeit of a different kind—the Torah scroll. From the start of the story, Rabbi Ḥanina is linked to this scroll. First Rabbi Yosi and then the narrator describe him sitting "with the scroll resting in his lap" (מונח בחיקו). The image of the rabbi nestling the scroll conveys a sense of intimacy and emphasizes the materiality of the scroll, depicting Torah as an object to be cherished rather than as an abstract set of laws or teachings. During the execution, this image is reversed: the rabbi who had held the scroll in his embrace is now wrapped up within the scroll. Rabbi Ḥanina is comforted by the scroll's participation in his execution. One aspect of the consolation is stated explicitly—the offense of burning a Torah is certain to incite divine retribution. Another aspect is implicit: Rabbi

Ḥanina is able to see the letters fly up even as the parchment burns. The scroll, like the rabbi, is thus composed of both body and spirit. Witnessing the separation of these elements in the scroll, the rabbi is reassured that though his body burns, his spirit will ascend to the next world.

How does this account relate to the other depictions of Romans and Jews that we have seen? Unlike the opening sugya, which treats all Romans as an undifferentiated mass, this story distinguishes between the harshness of Roman rule and the qualities of individual Roman functionaries. While in the opening sugya, God judges all non-Jewish nations to be irredeemable, here the bat kol's pronouncement confirms that individual non-Jews—even the technicians of Roman brutality—can find their way into the next world through simple acts of mercy. In this story, the emphasis is on individual actions rather than corporate identities. Rabbi's closing pronouncement, "One person . . . and another . . . ," trains our attention on the singular lot of individuals rather than on the corporate fate of entire nations.

While the message of Rabbi Ḥanina's story clashes with the message of the opening sugya, the two traditions share a motif that encourages us to read the two stories in concert. As noted above, when God convenes the nations at the end of days, He sits in judgment, holding a Torah scroll in His lap. So far as I can tell, this is the only talmudic tradition in which there is an image of God holding a scroll in His lap,[43] and the language matches the Rabbi Ḥanina story rather closely. The story of Rabbi Ḥanina uses an agentless form (ספר תורה מונח לו בחיקו) of the same verb that that appears in the opening sugya: "In the future, the Holy One, Blessed be He, will bring a Torah scroll and place it in His lap (יביא הקב"ה ספר תורה ויניחה בחיקו), and say, 'Let anyone who engaged with it [the Torah] come and get its reward.'"[44] The close verbal match and shared image cements a link between the two, allowing us to use the story of Rabbi Ḥanina as a key for interpreting puzzling features from the opening sugya.

I noted above that the opening story of God's final judgment of the nations is surprisingly harsh in its treatment of non-Jews; the redactors of the sugya themselves register reservations about the depiction of God when they interrupt the narrative with the objection, "But did you not say: The Holy One does not deal despotically with His creatures?!" (AZ 3a). Reading this story together with the story of Rabbi Ḥanina's martyrdom, we find a justification, and even a prediction,

of such harsh divine judgment. In the midst of his tortures, Rabbi Ḥanina affirms that God will redress the offense to the Torah. I propose that we read the opening story of divine judgment as a spinning out of the very revenge fantasy that Rabbi Ḥanina foretells. Taking the Torah scroll into His lap, God calls to mind the gruesome offense of the Romans, who killed and tortured Jews and sought to eradicate the Torah, and judges them accordingly. The Torah scroll—restored to wholeness in heaven—stands witness to the gross offenses of imperial power. In the presence of this token of Roman brutality, the Gentiles' protests of innocence are rendered empty and weak. Read in the light of Rabbi Ḥanina's fiery execution, the opening sugya's courtroom narrative—a story that grants to the enemies of Torah a fair hearing as well as a second chance—becomes a story of divine largesse, rather than the tale of divine despotism that it had otherwise appeared to be. At the same time, the link between the stories activates new resonances within the story of Rabbi Ḥanina, inviting readers to recognize his cradling of the Torah scroll as a posture of *imitatio Dei*. Correspondences between the divine judge and the martyred rabbi magnify both the severity of the Roman's offense and the gravity of the Jewish sacrifice.

On one level, the shared motif of the Torah in the lap serves as a cue for reading, a marker that can guide our interpretations of both stories. It is also possible that the shared motif is an actual clue about the story's redactional history. Scholars have long argued that AZ's opening sugya is a late addition to the tractate.[45] I have already observed that the dialectical exchanges that are spliced into the story have parallels elsewhere in the Bavli and in tannaitic works. It is possible that in Rabbi Ḥanina's story we have discovered the creative impulse behind the creation of the narrative. The redactors might have produced the opening story as a response to the story of Rabbi Ḥanina's martyrdom.

However we understand the way that "Lifney ʾEydeyhem" came together, in its final redactional shape Rabbi Ḥanina's story offers a counterbalance to the opening sugya: the chapter opens with a fantastic vision of God's justice, and closes with a searing image of imperial injustice. It opens with a denial of Gentile redemption, and closes with an assurance that any person can secure a place in the next world in but a single hour. It opens in the heady space of heaven, in mythic time, and ends with a somber acknowledgment of human vulnerability in this world. God's Torah scroll and Rabbi Ḥanina's Torah scroll together envelop a chapter engaged with the question of what

distinguishes Jews from non-Jews given the mortal fleshly existence that all people share.

KETIʿA BAR SHALOM CROSSES OVER (AZ 10B)

Ketiʿa bar Shalom is another martyr whose death inspires Rabbi's exclamation, "One person gains eternal life in a single hour, and another over the course of years." In contrast to the story of Rabbi Ḥanina, which is characterized by repetition and doubling, the story of Ketiʿa is introduced by the Bavli as a singular tale, an exceptional instance of a Roman notable securing life in the next world:[46]

> Ketiʿa bar Shalom: What was his story?
>
> Concerning that Caesar who hated the Jews: He said to the prominent members of the imperial government, "If one has a sore[47] on his foot, shall he cut it off and live or leave it be and be troubled?"
>
> They answered him, "He should cut it off and live."
>
> Ketiʿa bar Shalom said to him, "First, you cannot do away with all of them.[48] And furthermore, they will call you 'the cut-off king.'"
>
> He answered, "You spoke well. Nevertheless, anyone who bests the king is thrown into a hollow furnace."
>
> As they were taking him away, a matron said to him, "Woe to the ship that sails without paying the toll."[49]
>
> He fell upon the head of his foreskin and cut it,[50] saying, "I paid my toll, I passed and crossed over."
>
> As they were throwing him in, he said, "All my possessions go to Rabbi ʿAkiva and his colleagues."
>
> Rabbi ʿAkiva came and expounded on the verse, "And it shall be for Aaron and his sons," that it means one half for Aaron, and one half for his sons.
>
> A bat kol exclaimed, "Ketiʿa bar Shalom is invited to life in the next world."
>
> Rabbi wept and said, "One person gains eternal life in a single hour, and another over the course of years."[51]

This story is intensely engaged with the materiality of the human body. The story opens with a hateful tyrant's comparison of the Jewish people to a painful sore, extending the familiar metaphor of the empire as a body politic. The use of the metaphor reveals that the question he poses to his advisors—should the Jewish presence be tolerated?—is a rhetorical one: Who would choose to tolerate a gruesome sore? Ketiʿa alone resists the implications of the king's leading question, and as a consequence is charged with death in a furnace. In the second half of the story, the body becomes a tenor rather than

a vehicle, as Ketiʿa accepts a matron's counsel to "pay the toll" and circumcises himself in the moment before he dies. In cutting away his foreskin, the quintessentially Gentile body part, Ketiʿa inverts the Caesar's announced intention to excise the Jews from the body of Rome and cuts Gentileness from his own body instead. A single verbal root—קטע—meaning "to cut" unifies the entire story. Though Ketiʿa cautions Caesar against being known as "the cut-off king," his own name announces his identification as one who is cut.[52]

Like the story of Rabbi Ḥanina, this story too is embedded in a web of textual connections within the chapter. In its immediate redactional context, it follows directly on the heels of a chain of stories that tell of the remarkable friendship of Rabbi and the Roman ruler ʾAntoninus, and both Daniel Boyarin and Alyssa Gray have pointed to ways in which Ketiʿa's story is integrated into that extended literary unit.[53] Boyarin reads the crouching position of Ketiʿa as he bends to circumcise himself as an echo of ʾAntoninus's habit of bending low before Rabbi's bed, so as to serve as his footstool. He suggests that in bending over, both these Gentile characters symbolically exchange the phallic potency of Roman domination for the passive position that is culturally coded as both feminine and Jewish. This motif calls to mind the "degradation" that Bakhtin celebrates as a central feature of folk humor; for Bakhtin, such orientation toward the genitals and the nether parts of the body is expressive of the inexorable link between birth and death and of the generative aspect of bodily existence.[54] In this story, Ketiʿa's crouch toward the material body is juxtaposed with a call from the bat kol, an incorporeal voice from on high. As in the story of Rabbi Ḥanina, the moment of martyrdom thus introduces a duality into human experience; it assails and destroys the material body, while delivering the person into a disembodied existence in the next world.

Within the broader context of the chapter as a whole, Ketiʿa's is one of several tales of martyrdom and is easy assimilable into that recurring trope. The closing exclamation of Rabbi, recapitulated in the story of Rabbi Ḥanina, invites us to compare Ketiʿa to the twin martyrs of Rabbi Ḥanina's story. As a Roman functionary who achieves redemption in a single hour, Ketiʿa closely resembles Rabbi Ḥanina's executioner, but, as the hero of his own story, Ketiʿa is also comparable to Rabbi Ḥanina: Like the rabbi, he boldly and deliberately resists imperial control, and, like the rabbi, he is sentenced to death by burning. Bringing these two stories of martyrdom together through

the duplication of Rabbi's tearful exclamation, the anonymous editors disrupt the sharp differentiation between Jews and non-Jews that dominates AZ. The juxtaposition of these two stories of martyrdom invites us to attend to two aspects of human existence that Jew and Gentile are shown to hold in common—both have bodies made of flesh, and both have the potential to escape their bodies for life in the next world.

But are we to understand Ketiʿa as a Jew or as a Gentile in the moment of his death? Contemporary scholars are divided over how to interpret Ketiʿa's act of circumcision. Gray follows Shaye Cohen in arguing that Ketiʿa's act effects a conversion, pointing out that circumcision suffices for conversion according to the halakha laid out in the Palestinian Talmud, and also according to Rabbi ʾEliʿezer's minority view in b. Yevamot 46a.[55] Boyarin, on the other hand, emphasizes the disjuncture between the world of the narrative, where Ketiʿa becomes a Jew, and the normative world of halakha, where both circumcision and immersion are required for conversion.[56] To a certain degree, the question of whether Ketiʿa dies a Jew or not might seem critical to my project, as I seek to read this story as part of the sustained engagement of "Lifney ʾEydeyhem" with the theme of Jewish/Gentile difference: If Ketiʿa dies and enters the next world as a Gentile, this story conflicts with the opening sugya's message that non-Jews are irredeemable. If, on the other hand, Ketiʿa becomes a Jew, this tale of conversion confirms the negative judgment of Gentiles qua Gentiles. In my view, however, to focus on the efficacy of Ketiʿa's circumcision is to impose a dichotomous definition of Jewishness on a narrative that calls the binary opposition between Jews and non-Jews into question. I read Ketiʿa's circumcision as an intrepid, passionate act of identification with the Jewish people that both exceeds and disrupts the regular categories of halakhic analysis.[57]

When Ketiʿa immerses not in water but in fire, he enacts a bodily identification with Jews that explodes the boundary between Jews and non-Jews, and this is precisely what accounts for the story's power and "tellability" in the context of "Lifney ʾEydeyhem." The force of Ketiʿa's dramatic gesture propels him out of the established patterns of rabbinic thought and behavior, confronting Rabbi with possibilities he had not previously considered. Who would deny a martyr entry into the next world? In the charged moment of Ketiʿa's exceptional act of self-sacrifice, the normal categories of Jew and non-Jew do not suffice. In my reading, Ketiʿa's

act does not fall short of the halakhic threshold of conversion, but rather surpasses the norms and boundaries that govern everyday life altogether. In "Lifney ʾEydeyhem," stories of transcendent change at the last minute upend the work of distinguishing, dividing, and separating that occupies so much of AZ. Yet even as these stories disrupt the Jew/non-Jew binary, they reify another kind of divide, magnifying the distance between body and spirit, between this world and the next.

BROKEN SPIRIT, BREAKING WIND: ʾELʿAZAR BEN DORDYA (AZ 17A)

A third story in which Rabbi's exclamation appears is the story of ʾElʿazar ben Dordya. The tale of a Jewish sinner who finds solitary redemption in the moment of death, this story diverges from the others we have examined in that it is not centrally engaged with non-Jews. Appearing as part of the extended chain of narratives that culminates with the martyrdom of Rabbi Ḥanina, the story of ʾElʿazar ben Dordya is directly preceded by accounts of sexual and religious transgression. Under discussion in the dialectical exchange immediately preceding Ben Dordya's appearance is the question of whether death is a necessary component of repentance for all serious sins, or just for minut—as we shall see, the editors insert a brief exchange in consideration of this question toward the end of the story, preceding Rabbi's words of evaluation. The richness of the narrative means that its resonances far exceed this question, however. As I show here, a network of textual connections with other stories within "Lifney ʾEydeyhem" invites us to consider Ben Dordya's story in relation to the themes and motifs that unite the chapter as a whole.

> They used to say about ʾElʿazar ben Dardoya (Dordya)[58] that there was not a single prostitute left in the world that he had not been with. Once, (he heard that) there was a prostitute in one of the cities by the sea who charged (a purse full of) dinars as her fee. He (went and) set out toward her, crossing seven rivers.
>
> In the midst of the act, she broke wind.
>
> (A bat kol came out and) said,[59] "Just as this wind will not return to its place, so ʾElʿazar ben Dardoya will never be accepted as a penitent."
>
> He went and sat among mountains and hills.
>
> He said, "Mountains and hills, seek mercy for me!"

They said, "Before we seek mercy for you, we will seek it for ourselves, for it is written, 'For the mountains will depart and the hills will be removed'" (Isa. 54:10).

He said, "Heavens and earth, seek mercy for me!"

They said, "Before we seek mercy for you, we will seek it for ourselves, for it is written, 'For the heavens will vanish like smoke, and the earth will be worn out like a garment'" (Isa. 51:6).

He said, "Sun and moon, seek mercy for me!"

(They said, "Before we seek mercy for you, we will seek it for ourselves, for it is written, 'Then the moon shall be embarrassed and the sun ashamed'" (Is 24:23).

He said, "Stars and Constellations, seek mercy for me!")[60]

They said, "Before we seek mercy for you, we will seek it for ourselves, for it is written, 'And all the hosts of heaven shall molder away'" (Isa. 34:4).

He said, "The matter depends on me alone."

He put his head between his knees and sobbed and wept until his soul departed.

A bat kol exclaimed, "Rabbi ʾElʿazar ben Dardoya is invited to life in the next world."

(Now here was a case of a transgression and he did die!)[61]

There too, since he was so involved in it, it resembled minut.

Rabbi wept and said, "One person gains eternal life in a single hour, and another over the course of years."

And Rabbi said, "It is not enough that penitents are accepted (in repentance), they even have to be addressed as 'Rabbi!'"[62]

Ben Dordya's penitential death is the culmination of a story of radical reversals, as a character that had fallen to shameful lows is suddenly exalted to vertiginous heights. As the story begins, Ben Dordya is a man whose only real distinction is in the breadth of his sexual experience, but since he pays for sex, it is questionable whether his exploits even in this area can be judged an achievement. Ben Dordya's very name signifies his degraded station: "dordya" (דורדיא) is the Aramaic word for the lees, or sediment, that settle at the bottom of a wine barrel during the process of fermentation.[63] Ben Dordya represents the dregs of society, the bottom of the barrel. Unlike the martyred heroes Ketiʿa bar Shalom and Rabbi Ḥanina, Ben Dordya has only himself to blame for his woes, yet his story ultimately conveys the same message as the other two in this triad: no human being is irredeemable. If the degraded Ben Dordya can ascend to the next world, anyone can.

As Michal Bar-Asher Siegal observes, the story of Ben Dordya is an outlier among rabbinic accounts of repentance in that it depicts penitence as if it can be accomplished in an instant. Though death is

identified as a possible component of repentance in m. Yoma 8:8, rabbinic stories tend to emphasize long and demanding penitential processes rather than immediate paths to absolution. Siegal points out that while Ben Dordya's instant penance through death is exceptional within rabbinic literature, it is a regular motif within Christian storytelling.[64] She argues that Ben Dordya's story reflects Christian influence, and identifies a specific text from the *Apophthegmata Patrum* traditions of the desert fathers as the Bavli's probable source.[65] This Christian story tells of Paesia, an orphan girl who begins life within the church but falls into a life of prostitution when she comes upon hard times. The monastic father John the Dwarf pays her a visit and persuades her that it is possible to repent. She follows him into the desert, where they set up camp for the night. In the middle of the night, Abba John awakes in time to see a lighted path reaching down from heaven and angels carrying Paesia's soul away. Observing that she has died and her penitence has been accepted, he exclaims, "One single hour of repentance has brought her more than the penances of many who continue without showing such fervor in repentance."[66]

Siegal identifies many points of correspondence between the stories of Paesia and Ben Dordya: both stories focus on the sin of prostitution; in both, the process of repentance is very short and occurs in solitude outside; in both there is a heavenly sign to indicate that the repentance is accomplished; in both, a religious authority makes a very similar exclamation, remarking that for some, a single hour of repentance is as (or more) effective than the long, drawn-out processes of others.[67] Siegal's effectiveness in arguing for a relationship between these two traditions means that I do not need to address the question of whether Christian storytelling influenced the shaping of Ben Dordya's story. Instead, I seek to explore the contours of the intertextual relationship, moving from a search for origins to a discussion of intertextual practice.

I read the story of Ben Dordya as a kind of burlesque, a comedic treatment that leavens the solemnity of this talmudic chapter's engagement with martyrdom by taking some light-hearted jabs at the sacred pieties of both Christian and Jewish hagiography. The first salient clue about how to read this story's tone is the prostitute's flatus, a disruption that does not merely deflate any expectation of high seriousness, but also signifies. In comparing an accidental fart to Ben Dordya's errant spirit, the narrator broaches an issue at the crux of Jewish-Christian polemics, the relationship between body and spirit.

Implicit in the correlation of wind and soul is their common association with the Hebrew *ruaḥ,* a word that never appears and yet animates the underlying logic of Ben Dorda's story and of its intertextual relationship with the Christian tale of Paesia. As Naomi Seidman points out, *ruaḥ* "has a range of meanings, from wind to its metaphorical extensions as breath and, at a greater distance, spirit."[68] While Christians understand the term primarily as spirit, for Jews, the primary meanings are wind and breath, what Seidman calls the "'corporeal' significations" of *ruaḥ*.[69] To this spectrum of significations, we could add the sense of flatus, wind's most corporeal manifestation.[70] As Seidman explains, though Jews make distinctions between body and spirit, they do not understand them as oppositional categories, as they are in the Platonic-Christian understanding, but rather as integrally connected.[71] It is this interconnection between body and spirit that the prostitute enacts when she breaks wind. Her fart pulls ruaḥ down from the lofty exaltation to which it is banished by Christians, restoring it to the very seat of corporeality.

In classifying the particular intertextual relationship between Ben Dordya and Paesia as something akin to parody, I do not mean to imply that the Bavli is targeting its critique exclusively at Christianity. On the contrary, I see the Jewish storyteller as adopting a trope of Christian storytelling—"the repentant whore"—so as to take aim at aspects of rabbinic culture. My reading is guided by Holger Zellentin's argument that even when rabbinic texts include marked references to Christian texts, the object of the rabbinic critique might well be focused within the Jewish community; aligning Jewish views or behaviors with religious tropes associated with Christianity is an especially effective way to marginalize them.[72] In adopting the Christian trope of the repentant prostitute, the Bavli storyteller targets tendencies within both Christian and Jewish sources to elevate spirit at the expense of the human body's materiality. The Christian source helps the rabbinic storyteller to take aim at the excesses of his own religious culture, and specifically at the tendencies of the rabbis themselves to promote spirit over body in their embrace of martyrdom.

One specific target of the Ben Dordya burlesque is verbally marked through the use of Hebrew root *prḥ* (פרח), which links the prostitute's flatus (*pirḥa*) to the flying letters (*ʾotiyot porḥot*) of Rabbi Ḥanina's Torah scroll.[73] The story of Rabbi Ḥanina, like the story of Ketiʿa and the other martyrdom stories within "Lifney ʾEydeyhem," elevates the values of spirit over body and of heaven over earth in much the same

way that Christian hagiographies like the story of Paesia do. AZ's stories of martyrdom depict graphic violence against the human body, valorizing the embrace of suffering and death. In these and other talmudic tales, the martyr's ascent to the next world entails a separation from the body, which is not just degraded but destroyed. Ben Dordya's story challenges the tendencies in Jewish martyrdom tales to locate the self in a disembodied, buoyant soul. Crouching in a fetal position, Ben Dordya counters the upward orientation of rabbinic martyrdom stories, and affirms the life-giving properties of the body. His debasement lowers the talmudic chapter's center of gravity.

Bakhtin's account of grotesque realism can help us understand precisely what distinguishes Ben Dordya from both his Christian relation, Paesia, and from his talmudic co-stars, Rabbi Ḥanina and Ketiʿa bar Shalom. For Bakhtin, an orientation toward the body's nether regions means turning away from other-worldly concerns and embracing bodily materiality and the generative powers of the earth: "'Upward' and 'downward' have here an absolute and strictly topographical meaning. 'Downward' is earth, 'upward' is heaven. . . . To degrade also means to concern oneself with the lower stratum of the body, the life of the belly and the reproductive organs; it therefore relates to acts of defecation and copulation, conception, pregnancy and birth. Degradation digs a bodily grave for a new birth; it has not only a destructive, negative aspect, but also a regenerating one."[74] The correspondence that Bakhtin identifies between topographical space and the anatomical regions is in striking evidence in Ben Dordya's story. Initially, the fart and its lesson send him outside, where he looks upward and outward in seeking intercessors. He comes to learn, however, that redemption is not to be found in high places but in low ones, and then he bends down and expires with his head between his knees. His penitence is accomplished when he integrates body and spirit, allowing high and low to converge.

The grotesque aspects of Ben Dordya's story put a different accent on the same themes and motifs I have identified in other, more solemn samples of storytelling in "Lifney ʾEydeyhem." Like the other stories we have seen, this one too addresses the question of who can achieve life in the next world; rather than exploring whether redemption is possible for Gentiles, it focuses on a Jew with questionable prospects. The duality of body and spirit figures prominently here, as in the martyrdom stories of Rabbi Ḥanina and Ketiʿa, though here the theme plays out differently, with the materiality of the body depicted

through sex and flatulence rather than through torture and immolation. Alongside these parallel themes are a complex weave of intertextual markers that invite us to read Ben Dordya's story in relation to other stories in this chapter. The most salient of these links is Rabbi's exclamation, which forges an association among Ben Dordya, Ketiʿa, Rabbi Ḥanina, and Rabbi Ḥanina's executioner.

In emphasizing the parodic aspects of Ben Dordya's story, I do not mean to minimize the degree to which all three of these rabbinic stories combine aspects of high and low; arguably, the attention lavished on the martyrs' bodily torments engages the grotesque no less than Ben Dordya's turn in a prostitute's bed. All three stories emphasize the fleshy materiality of the body. We have noted Ben Dordya's gravitation to his genitals. I sense in Ben Dordya's bending to put his head between his knees an echo of Ketiʿa's crouch to circumcise himself.[75] Ketiʿa's story begins with footsores, and then he, too, follows his penis to life in the next world. In the Ḥanina ben Tradyon tradition, materiality is focused not in the genitals but in the mouth and the lap: holding the scroll in his lap, the sage expresses the generative power of Torah; opening his mouth to the fatal flames, he makes his body a passive receptacle, an opening to life and death.[76] All three stories are oriented along a strong vertical axis, with their heroes falling down to their deaths and then ascending to the next world. In all three stories, a female character appears at a critical turn in the plot: a matron encourages Ketiʿa to circumcise himself, a prostitute turns Ben Dordya toward penitence, and Ḥanina's daughter cries out in his moment of torture. These women are all engaged with the physicality of the body, in contrast to the ethereal feminine voice of the bat kol who welcomes the souls of the dead to the next world.

Intertextual connections among these three stories invite us to read them in concert and forge an association among an incongruous collection of characters. Pious rabbi, Roman executioner, righteous Gentile, and debauched Jew are a disparate group by any measure, but especially so against the backdrop of a tractate that ostensibly aims to erect boundaries between Jews and Gentiles, and that opens with a vision of the non-Jewish nations as utterly irredeemable. This network of stories accentuates the commonalities among rabbis and sinners, Jews and Gentiles. Even as Ben Dordya deflates the pieties of neighboring stories, his vulgarity is redeemed and elevated through his association with martyr-heroes. Through its parodic inversion of hagiographic themes, Ben Dordya's story suggests that the extremity

of the executioner's arena is not the only path to redemption; ordinary people in everyday circumstances are granted entry into the next world as well.

In narrating these three instances of instant salvation, the storytellers affirm the redeemability of all people: within each of these narratives, there comes a single moment, and—in a flash—distinctions of Jew and non-Jew, of rabbi and common sinner, disappear. This is in marked contrast to other voices in the Talmud—the dominant voice in AZ—that patrols and fortifies divisions between Jews and non-Jews that are set up in the Mishna. The way that the talmudic storyteller here overcomes the dichotomy between Jew and non-Jew is by drilling down to something elemental about what people are made of. Here, humans as a class are depicted as mergings of material bodies and animating, agentive souls. Through the juxtaposition of these three stories, the editors stage a reading experience that recapitulates the very insight pronounced by Rabbi within the narrated world, as we too confront surprising commonalities among diverse sets of people. For Rabbi, it is penitential death that is the great equalizer: "One person gains eternal life in a single hour, and another over the course of years." Those of us outside the stories can discern a deeper, more protean place of connection—that all humans are made of flesh and breath.

The recurring tropes, themes, and images that link the stories of "Lifney ʾEydeyhem" contribute to the literary coherence of AZ's opening chapter, which can be read both as a unit in its own right and as an introduction to AZ as a whole. While the warp and the woof of AZ are the mishnaic laws that regulate economic interactions between Jews and non-Jews, the stories that are threaded through "Lifney ʾEydeyhem" engage wide-ranging questions about human nature, justice, and redemption that shape the contours of the talmudic tractate as a literary project.

As we have seen, Bakhtin's account of dialogism is especially fitting for characterizing the particular discursive strategies at work in "Lifney ʾEydeyhem." Within this talmudic chapter, discrete stories do not simply conflict with each other in terms of the principles they animate or the didactic messages they convey; they directly engage each other, as remembrances of past injustice provoke revenge fantasies. Myths of common human ancestry disrupt divisions into "us" and "them." Fart jokes deflate sacred pieties. In inviting this mix of views

and voices into the opening chapter of AZ, the editors arouse the questions and tensions that animate AZ as a whole without resolving them. The stories of "Lifney ʾEydeyhem" locate the legal discussion governing interactions with non-Jews within a fraught and open-ended exploration of what precisely distinguishes Jews from non-Jews, even as they point to material embodiment, sex, death, ritual, and aspirations for life beyond the grave as salient aspects of human experience that all people share in common.

In "Lifney ʾEydeyhem," talmudic storytellers engage the dichotomy between Jew and non-Jew that they inherit from the Tannaim in a range of ways, sometimes reifying the binary, sometimes rupturing it, and sometimes seeking to transcend it. Stories of Gentiles summoned to the next world disrupt the opposition between Jews and non-Jews by appealing to another strongly dichotomous scheme when they place matter and spirit in opposition. What do contemporary critiques of such binary thinking mean for the interpretation of talmudic stories? And how can stories like that of Rabbi Ḥanina ben Tradyon enrich critical conversations about binaries? These are the questions I now consider.

MATTER, SPIRIT, AND THE NEW MATERIALISMS

Rabbinic understandings about the nature of the human being and the place of humanity in the cosmos are founded on the dichotomy between thought and matter that has structured Western thinking since antiquity. To the degree that the stories of "Lifney ʾEydeyhem" project a vision of commonality among humans, they do so by distinguishing human beings from other creatures, locating the human potential for redemption in a self or essence that is capable of separating from the material body, and achieving life in the next world. This concept of the human is built on the dichotomy of body and spirit, an idea that both Jews and Christians absorbed from Hellenism.[77] Within AZ, humans are distinguished from other creatures to the degree that they can transcend their materiality and approach God. This rabbinic anthropology is starkly hierarchical, suspending the human being between the poles of heaven and earth. Even as other dichotomies—between Jew and non-Jew; male and female; human and animal—strain this conception of the human from within and without, it is the dichotomy of body and spirit that grounds the Talmud's anthropology and provides the underpinnings for AZ's

organization as a journey down the cosmic chain of being. An examination of AZ's stories about bodies and souls demonstrates the extent to which talmudic culture participates in Western thought, even as talmudic storytelling anticipates some of the recent interventions of critical theory in interesting ways.

One concern that unites the disparate threads of critical theory—from poststructuralism to feminism to cultural studies to the new materialisms—is the need to confront and deconstruct the dichotomies that structure Western thought.[78] Ever since Plato drew a line between the real and the ideal, Western thought has been riven into a pattern of interlocking binaries: between mind and body, nature and culture, male and female. As theorists such as Bruno Latour have pointed out, modernity intensifies the West's obsession with binary schemes and stages a conflict between ancients and moderns in which the notion of progress means that moderns necessarily vanquish all that came before.[79] Central to the postmodern project is the deconstruction of such binary thinking.[80] Even as aspects of postmodernism have come under fire of late, newer theoretical approaches and orientations share a commitment to moving beyond dichotomies to alternative formulations that better accommodate multiplicity.

There are two main aspects to the critique of binary thinking. The first aspect is ontological, highlighting the mismatch between neat binary schemes and the multitudinous nature of reality: binaries belie the messy, mixed character of the world, obscuring all that resides betwixt, between, and beyond dualities. The second aspect is ethical, highlighting how binary thinking privileges one side of a dyad over the other, so that mind is elevated over body, male dominates female, and human is prior to animal. As Jacques Derrida explains, "In a classical philosophical opposition we are not dealing with the peaceful coexistence of a *vis-à-vis*, but rather with a violent hierarchy. One of the two terms governs the other (axiologically, logically, etc.), or has the upper hand."[81] Perhaps the most trenchant critique of the violence of binarism comes out of feminism and gender theory in explications of how binary thinking not only marginalizes women but punishes all those whose bodies and experience resist the male-female divide.[82] These general insights into how the dichotomies that structure Western thought are both reductive and damaging reflect a widely shared consensus across diverse fields of the humanities and social sciences.

The repudiation of binaries is a tenet of both poststructuralism and of its critique. Today there is a growing chorus of critical theorists

who distance themselves from the postmodern project, criticizing Derrida and other poststructuralists on the grounds that they perpetuate binarism even as they pursue deconstruction. For these critics, the problem with the "linguistic turn" of postmodern theory is that it imposes a separation between language and the world. Susan Hekman characterizes the issue in terms of a dichotomy between language and reality: "Modernity chose the reality side of the dichotomy, defining its goal as the accurate depiction of reality. The linguistic constructionists (aka postmoderns) chose the language side, insisting that since language constitutes reality we don't need to talk about anything except language."[83] Hekman's analysis builds on the observations of Bruno Latour, who expresses his dissatisfaction with the postmodern obsession with language when he asks his readers, "Are you not fed up at finding yourself forever locked into language alone, or imprisoned in social representations alone, as so many social scientists would like you to be?"[84] Critique of the linguistic turn is even sharper in the work of Karen Barad, who asks, "How did language come to be more trustworthy than matter?"[85] Within the past decade or so, a congeries of critiques of poststructuralism have coalesced under the heading of "the new materialisms."[86]

The new materialisms embrace a broad range of theoretical orientations and concerns, including work on the human body and bioethics, on the history and sociology of science, on the ontology of things, on technology, and on the economic and other material underpinnings of political power. What brings these disparate projects together is an interest in engaging the material realities that are bracketed off in linguistic constructionists' studies of discourse. For Hekman, the task of the new materialisms is "to do what the postmoderns claim but fail to do: to deconstruct the language/reality dichotomy by defining a theoretical position that does not privilege either language or reality but instead explains and builds on their intimate interaction."[87] In this conception, the new materialisms do not simply reverse the poles of the language/reality binary, but seek to describe the multiple interrelations between the world "out there" and the ways people talk about it.

I can think of no more powerful depiction of the polarization of language and reality than AZ's account of Rabbi Ḥanina ben Tradyon's vision: "His students said to him, 'Our master, what do you see?' He said to them, 'The parchment is burning, and the letters are flying up.'"[88] In this image of floating letters, language takes flight from

it material manifestation on parchment. The strong verticality of the image projects a hierarchy that promotes language as an ethereal abstraction, degrading the material as disposable and non-essential. In comparing the Torah's parchment to the rabbi's body—"You, too, open your mouth so that the fire can enter you"[89]—the story creates homologies between body and matter on the one hand, and language and soul on the other.[90] Both language and self are imagined as being separable from their moorings in the material world, and the material is portrayed as something to be left behind.

In "Lifney ʾEydeyhem," stories of bodily torture and spiritual transcendence reify the duality between body and spirit, but they also complicate and disrupt it. Despite the graphic depiction of a bifurcation between language and matter in the story of Rabbi Ḥanina, I would argue that the collective weight of the stories pulls in the opposite direction, affirming an intimate interrelation between words and matter, spirit and body. The buoyancy of the Torah's wafting letters notwithstanding, the narrative in which this image is embedded depicts the separation of letter from parchment—and by extension, of soul from body—as an offense, a violent betrayal of the proper nature of things. These bifurcations are the work of imperial violence, not of God. Even as the talmudic editors adopt a strong vertical orientation, they do not eschew materiality by consigning body and parchment to a lower station than soul and language; instead, they furnish their depiction of heaven with the material things of this world. They project the physicality of mundane existence into the eschaton, so that God holds a Torah scroll in his lap, just like people do. And as we have seen, the stories of Ketiʿa and Ben Dordya subvert the vertical orientation of martyrdom stories altogether when they locate salvation in the body's nether regions. In different ways, all these stories resist the homology among high and low, spirit and matter, language and reality that typifies Western thought in its ancient, modern, and postmodern manifestations.

I would go so far as to suggest that a refusal to abstract selves from bodies and meaning from words is expressly thematized in the stories of "Lifney ʾEydeyhem." To a certain degree, all stories resist abstraction—narratives are not in the business of conveying generalities, as propositional statements do. But the stories of "Lifney ʾEydeyhem" eschew abstraction by engaging materiality as a theme in ways that are both pointed and strategic. If I am right that the story of Ben Dordya burlesques contemporary martyrological narratives,

this means that the parodic inversions of his story insert AZ into a polemical fray, directly contesting debasements of the body among Christians and Jews of an ascetic bent. Other stories in this talmudic chapter explicitly focus on the physical aspects of language: the recurring motif of the Torah scroll cradled in a lap embeds the meaning of words in their materiality, locating language in the bodies of authors, readers, and texts. And in the story of Rabbi Ḥanina, letters are depicted as physical objects in themselves rather than as signs that point to a reality beyond themselves. Insofar as this narrative imputes the bifurcation of language and matter to the violence of Rome, the story can be read as a late antique precursor to contemporary critiques of Western binarism. The anonymous storytellers of "Lifney ʾEydeyhem" decry the violence of bifurcating body and soul, and of separating discourse from its physical and social manifestations.

If we understand the intervention of the new materialisms as calling attention to the intimate interrelations between language and reality, this exercise in reading talmudic narrative offers a taste of just how complex those interrelations can be. I propose that the stories we have looked at—samples of discourse, all plucked from the world of language—emerge out of a debate that belongs to a particular cultural moment, the religious nexus of late antique Persia, and can most fully be understood in that historical context. But this historical contextualization, this attention to the real world in which the storytellers lived and worked, is only one piece of the puzzle. To fully understand how the stories relate to that world, and what they are relating about it, one needs to use the delicate instruments developed to analyze and interpret language and literature, attending to considerations of narrative, irony, parody, the grotesque. All of these categories describe things that people do with language in the world. Parody, in particular, is a behavior in which the social and the linguistic converge, exposing the fallacy that a turn toward language could ever be a turn away from the world in which other people live, and also illustrating the impoverishment of an approach that reduces texts to mere artifacts.

I noted above that despite the title ʿAvoda Zara, it is not until much later that the tractate addresses the topic of idolatry in any kind of sustained way. From the outset, depictions of the human body and of the Torah scroll in AZ's opening chapter make clear that it is not the materiality of idols that makes them problematic—materiality itself is not disparaged. On the contrary, throughout "Lifney ʾEydeyhem,"

the physical world is esteemed as the abode of both God and humanity. Probing human prospects for life in the world to come, the narratives of "Lifney ʾEydeyhem" portray human beings as mergings of high and low, unions of material flesh and heavenly aspiration.

As we advance in our reading of AZ, the focus shifts downward. "ʾEyn Maʿamidim," the second chapter of AZ, investigates the commonalities that link humans to other animals. It is to these discussions that we now turn.

CHAPTER 2

Jews, Gentiles, and Other Animals

Confined within this catch-all concept, within this vast encampment of the animal . . . ("the Animal" and not "animals") . . . are all the living things that man does not recognize as his fellows, his neighbors, or his brothers.

—Jacques Derrida

THINKING WITH ANIMALS

In recent years, the academy has been overrun by animals. As critical theorists reevaluate the central affirmations of Enlightenment and modernity, they challenge the privileged position that Western philosophy once afforded the human subject, asking, "Are humans really so different from other animals?" A growing number of scholars and activists point out that humanism's disavowal of the connections and commonalities that link humans and animals is a conceptual error that has profound ethical implications.[1] It is easy to see how the denial of our kinship with animals hurts animals, encouraging environmental degradation, factory farming, and other institutionalized cruelty to animals. As theorists are increasingly pointing out, our thinking about animals and the animal also has repercussions for human welfare and sociality, conditioning the way we understand ourselves as human, and shaping the ways in which we relate to others.

New scholarship demonstrates how ideas about animals and the animal lurk in philosophy, literature, and other humanistic pursuits. In the Talmud, too, animal-thinking informs rabbinic anthropology and social hierarchies, and is perhaps nowhere more in evidence than in "ʾEyn Maʿamidim," the material that engages us over the course of this chapter and the next one. I argue that a recurrent engagement with animals helps define "ʾEyn Maʿamidim" as a discrete literary unit. New theoretical literature about animals provides a framework

for examining the diverse ways in which cattle, dogs, snakes, and other creatures creep into the Talmud's discussions of relationships between Jews and non-Jews and between men and women. In setting so many creatures slithering, scuttling, and prowling through this chapter, the talmudic editors advance the central theme of the tractate as a whole, exploring what it means to be human.

Identifying the turn to animals in "ʾEyn Maʿamidim" is part of my larger argument for reading AZ as a sustained work of rabbinic anthropology. In the previous chapter, I read a network of stories in "Lifney ʾEydeyhem" as an open-ended deliberation about differences and commonalities among Jews and non-Jews and their prospects for salvation. As we saw, "Lifney ʾEydeyhem" depicts the intimate connection between body and spirit, pairing vivid images of fleshly existence with narratives celebrating disembodied life in the next world. "ʾEyn Maʿamidim" sustains this emphasis on what it means to be human, focusing on that which human beings share with other animals. The theme of animality is announced by the opening sugya of the talmudic chapter, and, in ways that I point out, is then interwoven throughout the chapter's treatments of the prohibitions on Gentiles' wine and food.

The composition of "ʾEyn Maʿamidim" generates a different methodological approach than the narrative analyses that I pursued in my reading of "Lifney ʾEydeyhem." Though "ʾEyn Maʿamidim" is only slightly shorter than "Lifney ʾEydeyhem"—it begins at the bottom of 22a and ends on 40b—it includes far less narrative material, and is dominated by legal statutes and deliberations. The literary profile of "ʾEyn Maʿamidim" thus offers a far more typical sample of the Bavli's discursive makeup than the narrative-rich "Lifney ʾEydeyhem." Here, as is typical of the Bavli, citations of legal rulings attributed to named sages are embedded within the anonymous editors' deliberations about how these rulings relate to each other, and what the rationales for them might be. The stories that do appear in this chapter tend to be brief and slight, offering glimpses of realia that serve either to illustrate legal rulings or to complicate legal arguments. Among the contributions I hope to make is to show how an examination of literary devices such as wordplay, recurring motifs, allusion, and other intertextual strategies can be brought to bear in reading sections of the Bavli in which legal dialectic rather than narrative predominates.

My argument unfolds in two stages over the course of Chapters 2 and 3. In Chapter 2, I examine the opening sugya of "ʾEyn

Maʿamidim," paying special attention to the animal thinking that it entails. I propose that this carefully constructed passage introduces themes and motifs that then wend their way through "ʾEyn Maʿamidim" as a whole, tying the chapter into a cohesive literary unit. Focusing on one of these themes, the depiction of women, I demonstrate how Jewish women are compared to animals, just as non-Jews are. I conclude Chapter 2 with some preliminary observations about how intersections of gender, religion, and species differences shape the Bavli's vision of the role of Torah in distinguishing Jews from others. In Chapter 3, my study of "ʾEyn Maʿamidim" continues, as I examine the Bavli's deliberations about the prohibitions on Gentile wine and show how motifs, themes, and concepts set out in the opening sugya provide a framework for elaborating this difficult body of law. Together, Chapters 2 and 3 offer a sustained reading of "ʾEyn Maʿamidim" and demonstrate how rabbinic thinking about animals shapes the talmudic chapter as a whole.

CREEPING SUSPICIONS (MISHNA AZ 2:1)

My elaboration of the Bavli's art begins with an examination of the literary terrain and conceptual structures that talmudic authorities inherit from the Mishna. Warm-blooded beasts are present in the very first mishna of "ʾEyn Maʿamidim," in the passage that we briefly examined in the Introduction above. Here is how the mishnaic chapter begins: "We do not stable livestock in the stalls of non-Jews because they are suspected of bestiality. And a woman should not be privately secluded with them, because they are suspected of sexual transgression. And a person should not be privately secluded with them, because they are suspected of bloodshed."[2] The mishna both limits Jews' interactions with Gentiles and offers a rationale for legislating such social distance. According to the mishna, bestiality, sexual aggression, and murder are so rampant among the non-Jewish population that Gentiles can be presumed to pursue these behaviors whenever they are given the opportunity. The mishna paints a picture of non-Jewish society as being bereft of the most basic semblance of law, ethics, and decency, and depicts non-Jews as lacking all moral compunctions. Read as an index of the Jewish experience, this tradition conveys a profound sense of Jewish vulnerability. The authors present the world ruled by non-Jews as a place pervaded by danger, where men and women are as powerless as cattle.

Judgments about animals lurk within language, and this makes the task of translating the mishna's Hebrew all the more difficult. The English word "bestiality" has at least three different meanings, and each sense of the word configures the relationship between animals and people in a different way. The most straightforward definition is "the condition of being a beast," and this sense of the word is value-neutral, relating only to animals qua animals. A second sense of "bestiality" comes into play when it is a trait or condition imputed to human beings: implicit in this use of the word is hierarchical thinking that degrades nonhuman animals and characterizes them as being violent and driven by impulse. When used in this way, as a synonym for brutality, depravity, or debasement, "bestiality" is a value-laden term that implies that humans should avoid acting like animals. Finally, there is the sense in which "bestiality" is used in the translation to the mishna, as a term for a sex act between a human and an animal. This sense of "bestiality" is also colored by value judgments, since it is an act that by definition can only be committed by a human being—when animals have sex with other animals, of their own kind or even across species lines, it is not called "bestiality." The Hebrew term used in the Mishna, *reviʿa* (רביעה), has a much narrower semantic field. While it is a term that is used exclusively in relation to prohibited sexual relations, generally between humans and animals,[3] it does not convey the range of (negative) associations with animals that are implied in the English. So as not to color my interpretations of the Bavli with the animal-thinking that inheres in English, I henceforth use the term "bestiality" exclusively in reference to sex with animals, as an English equivalent to the Hebrew *reviʿa*.

Animals are present in the mishna in two distinct ways. First, they are explicitly mentioned in the first line, as the objects of law—the living, breathing cows, goats, and sheep who are to be protected from the violations of Gentile stall owners. But animals are also more subtly invoked as metonymic figures for human beings, both Jews and Gentiles. I am suggesting that the mention of bestiality in the first line of the mishna is not simply one among a series of examples of non-Jewish depravity, but rather serves as a prototype. In highlighting bestiality as the cardinal example of Gentile offense, the Mishna erects a comparison between human animals and other mammals. Gentiles are portrayed as (sexual) predators, in contrast to Jews, who are vulnerable and nonviolent, like domestic beasts.

Read in this way, this mishna exemplifies a widespread tendency to use animal discourse to characterize groups of humans. A growing critical literature examines how the subjugation of animals is intimately connected to the assertion of social hierarchies among humans,[4] aiding and abetting the degradation of women,[5] blacks,[6] and other groups.[7] So long as humanity is set in opposition to the rest of the animal world, identifying any human individual or group with animals is necessarily pejorative. As Christopher Peterson points out, "One could catalogue a seemingly endless list of examples whereby animality converges with hierarchies of gender, class, nation, ethnicity, and sexuality. The potency of the animal trope lies precisely in its fungibility, its potential as a placeholder for virtually any excluded other."[8] Frequently, in the long history of Jewish-Gentile relations, Jews have been vilified through comparisons to animals. In the mishna above, the animal discourse is more subtle and complicated. In accusing (male) non-Jews of bestiality, rape, and murder, the mishna perhaps implies a comparison between non-Jews and wild animals, emphasizing the threat of violence. At the same time, the mishnaic author identifies Jews with the abjection and vulnerability of livestock.

Close analysis of the mishna reveals that there are a number of intersecting hierarchies at work. The three clauses are arranged in ascending order of power, with the most vulnerable objects of the law mentioned first. In this hierarchical structure, "woman" occupies a position in between livestock and personhood: "We do not stable *livestock* in the stalls of non-Jews because they are suspected of bestiality. And a *woman* should not be privately secluded with them, because they are suspected of sexual transgression. And a *person* should not be privately secluded with them, because they are suspected of bloodshed." The continuum suggests that women fall somewhere in between the categories of the human and the animal. Do women mediate between the categories of "Jew" and "Gentile" as well? How gender might intersect with all these boundaries is a question that the Bavli's discussion prompts us to consider later.

The intersecting hierarchies encoded in the mishna align with what linguists have identified as "the animacy scale," a hierarchy of being that is encoded within the verbal forms of many languages. In a recent work that brings animal studies into communication with queer and disability studies, linguist and queer theorist Mel Y. Chen looks to the notion of "animacy" to investigate continuities among humans,

animals, and things. Chen explains that "for linguists, animacy is the quality of liveness, sentience, or humanness of a noun or noun phrase that has grammatical, often syntactic, consequences."[9] Across cultures, tacit understandings about the relative animacy of a whole range of beings are reflected in language itself. Humans are at the top of this hierarchy, followed by animals, inanimates, and incorporeal nouns, and within these broad categories there are sub-categories, so that large animals rank higher than small animals who in turn rank higher than insects. Among humans, adults prevail over non-adults; males over females; the free over the enslaved; the able-bodied over the disabled; and the familiar over the unfamiliar.[10] Chen rejects suggestions that the cross-linguistic evidence justifies such hierarchical thinking, pointing instead to its inevitable failings, political contingencies, and conceptual leakages. In Chen's words, "Above all, I claim that animacy is political, shaped by what or who counts as human, and what or who does not."[11]

"What or who counts as human?" is precisely the question that I address to the talmudic editors as I make my way through "ʾEyn Maʿamidim." Chen's investigations into leakages and queerings of the well-patrolled boundaries between men and women, and among people, animals, and things, inform my readings. I argue that even as talmudic law imposes strict social segregation between Jews and non-Jews, the Bavli's discussions of these laws affirm continuities among Jews, non-Jews, and other creatures. Though the Mishna promptly leaves the topic of animals behind, animals continue to figure prominently in the Bavli's deliberations—not just in the Bavli's treatment of the mishna above, but throughout the talmudic chapter as a whole.

THE OPENING SUGYA (AZ 22B)

Questions about the moral proclivities of Gentiles, about gender differences, and about the human-animal divide surface almost immediately in the talmudic discussion. The Bavli's treatment of the mishna above thus offers rich material for my investigation of how the talmudic editors construct their vision of humanity. From the outset, however, it is important to distinguish between the questions that I bring to the text and the ones that the talmudic editors pursue. The talmudic editors engage the mishna as a statement of law, and their interrogations address the legal applications of the mishnaic dicta, not their ethical implications. To the degree that the Bavli resists and

complicates the mishna's characterizations of Jews and non-Jews—and later I argue that the Bavli does indeed do this—these challenges are subtle and indirect, and only emerge through a sustained reading of the chapter as a whole, with special attention to what hides between the lines and below the surface. Understanding the Talmud on its own terms is thus a prerequisite for a literary reading. This is the task I set for myself in this section. Here, I plot the course of what I call the opening sugya of "ʾEyn Maʿamidim," the first unit of argumentation about the first clause of m. AZ 2:1, on the topic of Gentile bestiality. Because of the length and complexity of the sugya's deliberations, this section is long, but it is important. It serves as the foundation for my argument that the opening sugya introduces concepts and themes that recur throughout the talmudic chapter.

The entire opening sugya is propelled by a single difficulty. There appears to be a stark contradiction between the mishna above (m. AZ 2:1—call it "our mishna"), and another teaching from the Tannaim. This other teaching is a baraita that reads: "We acquire livestock from them [non-Jews] for sacrifice, without suspicion that the animals were used for sex in an active or passive position, or were set aside [for idolatrous sacrifice], or were themselves worshipped."[12] While our mishna asserts a presumption of bestiality when it comes to non-Jews, the baraita here makes the opposite claim, affirming that Jews may purchase livestock from non-Jews free from any concern that the non-Jewish owners have subjected the animals to sexual intercourse. The conflict between the two traditions seems stark: Are non-Jews under suspicion of sleeping with animals, or not? For the baraita, the issue is a ritual concern—livestock that has been used sexually or in idolatrous worship is "tainted" and may not be used as sacrificial offerings. Though the ritual issue is moot in the talmudic era, the question of whether there is a presumption of bestiality has ongoing practical implications for laws governing business and trade. For the editors, at least initially, this is not an ontological question about the nature of non-Jews, nor is it a moral judgment. It is a question of jurisprudence that requires legal reasoning.

The challenge of how to resolve the apparent conflict between our mishna and the baraita occupies the Bavli for quite some time. The opening sugya is but the first attempt to resolve the problem, and the only one we examine in its entirety. Altogether, the editors present four distinct strategies for reconciling the conflict between the mishna and baraita.[13] Unlike the other resolutions proposed, the

solution proposed in the opening sugya is not identified with any single rabbinic authority, but rather emerges from the anonymous editors' orchestration of multiple named traditions into a dialectical exchange built on questions and answers, challenges and responses.[14] As the sugya begins, the editors quote the problematic baraita and indicate precisely where the conflict lies. Their first proposal for how to resolve the problem then follows:

> They throw out the following contradictory teaching: "We acquire livestock from them [non-Jews] for sacrifice, without suspicion that the animals were used for sex in an active or passive position, or were set aside [for idolatrous sacrifice], or were themselves worshipped."
>
> This makes good sense with regard to being set aside and to being worshipped, for if the livestock had been set aside for sacrifice (or for being worshipped), they would not sell it, but when it comes to sex in an active or passive position, there is surely grounds to be suspicious!
>
> (Rav) Taḥlifa said (Rav) Shela bar Avina said in the name of Rav: A non-Jew has mercy on his own livestock, so it won't become barren.
>
> This makes sense for females, but what can one say about males?
>
> Rav Kahana said: [A non-Jew has mercy on male animals as well,] because there is a danger of depleting the animal's flesh.[15]

As is their wont, the talmudic editors here interpret the baraita so as to reconcile the apparent conflict with the mishna without undermining the legal force of either tannaitic tradition. How is it, they ask, that the baraita can permit a Jew to purchase a sacrificial animal from a non-Jew, given the presumption articulated in the mishna that non-Jews are under suspicion for having sex with animals? To resolve what at first seems like a glaring conflict between the tannaitic sources, the editors cite a rationale attributed to Rav that serves to highlight an important difference between the cases described by the mishna and the baraita: While the mishna relates to animals owned by Jews, the baraita relates to animals owned by Gentiles. According to Rav, the reason Jews are permitted to purchase livestock from Gentiles for sacred use, though not permitted to stable their own animals with them, is because non-Jews would not risk harming animals that they themselves own. This is the proposal that will be tested and retested as the back-and-forth of the dialectic proceeds throughout this opening sugya.

In the section cited above, the anonymous editors raise an initial difficulty with Rav's explanation. They point out that Rav's line of reasoning seems relevant only to female animals, whose fertility (they

presume) would be jeopardized by sexual penetration by a man. Without this concern of material harm at stake, what is to prevent a non-Jew who owns livestock from having sex with the male animals that he owns? What can account for the baraita's leniency in permitting Jews to purchase rams or bullocks from non-Jews? To answer this challenge, the editors cite a teaching from Rav Kahana. According to Rav Kahana, sex with people is harmful to male animals as well as to female ones, in that it weakens their flesh. The initial proposal that ownership deters bestiality among non-Jews is thus sustained.

As the sugya continues, so too does this line of questioning, as the anonymous editors successively raise challenges and resolve them. The next series of objections relates to a set of traditions relating to Gentile shepherds.[16] These teachings suggest that ownership or non-ownership of animals is not the only criterion that determines whether a presumption of bestiality is in effect:

> (But what about the baraita that teaches, "We acquire livestock from their shepherds"?!) Should we not suspect the [non-Jewish] shepherd of having sex with it [since the shepherds don't own the animals they watch]?
>
> [Even though the shepherd doesn't own the livestock,] he nonetheless fears losing his wages [should he be found out.]
>
> But (if so that would be the case for us as well, so) then why is it that according to another teaching, "We do not put livestock in the charge of their shepherds"? (Why not?) Did you not say the shepherd would fear losing his wages [and thus would not have sex with our animals]?
>
> They [non-Jews], who are familiar with them [the shepherds], they [the shepherds] fear. We, who are not familiar with them, they do not fear.
>
> Rabba said: This is the meaning of the popular saying, "As the stylus cuts the stone, one deceiver[17] knows another."[18]

In this round of dialectic, the editors first point out that the rationale proposed above—that Gentiles do not have sex with animals they themselves own—does not accord with a baraita that permits Jews to purchase animals from Gentile shepherds. These shepherds do not themselves own the animals in their care, and yet the presumption of bestiality does not apply to them. This means that ownership is not the only instance in which the presumption of bestiality is lifted. The editors resolve this difficulty by explaining that even though the shepherds do not own the flocks and herds in their charge, they have a strong financial interest in preserving the health and safety of the

animals—if they harm the animals, they will not get paid. With this slight adjustment, the rationale for permitting Jews to buy sacrificial animals from non-Jews is sustained: while Gentiles do indeed harbor bestial tendencies, they bridle these sexual urges in order to protect their financial interests.

This resolution gives rise to another difficulty, however, because just as our mishna and our first baraita appear to conflict, so too does tannaitic tradition preserve seemingly conflicting rulings about the reliability of non-Jewish shepherds. While one baraita allows Jews to purchase animals from non-Jewish shepherds, another baraita prohibits Jews from employing non-Jewish shepherds to watch their own sheep. The editors point out how this stricture undermines the rationale they proposed: if fear of losing their wages deters non-Jewish shepherds from sleeping with the animals of their non-Jewish bosses, why can't Jewish livestock owners likewise rest assured that their animals would be safe? To address this difficulty, the editors propose that non-Jewish shepherds are so confident of their ability to deceive their Jewish employers, they would be undeterred from having sex with animals belonging to Jews. According to the editors, non-Jews are more circumspect with each other because they have firsthand knowledge of the villainy of which their fellow non-Jews are capable. Jews, however, being unfamiliar with the ways of non-Jews, are far easier to take advantage of. A popular aphorism reinforces this line of reasoning: "As the stylus cuts the stone, one deceiver knows another." Stone is a substance that is hard and strong, and can only be penetrated by a tool specially engineered for etching in stone—a metal stylus. So too, it takes a special degree of "sharpness," or cunning, to penetrate the deceptions of hardened criminals. It takes a deceiver to outwit a deceiver.[19] The aphorism reinforces the sense of Jewish vulnerability. According to the Bavli, it is the guilelessness of Jews that makes them vulnerable to deception in their interactions with non-Jews. Jewish law imposes a presumption of suspicion when it comes to Gentiles because it needs to compensate for Jewish credulity. In Gentiles' own internal dealings, however, their sense of mutual suspicion precludes them from acting on their worst impulses.

In the process of resolving difficulties on the legal plane, the editors here appeal to some harsh judgments of the Gentile personality. Not only are non-Jews sexually depraved (this we knew from the mishna), they are circumspect about money and also cunning and deceptive. Absent fear of economic repercussions, Gentiles will have sex with

animals and then lie about it. The Bavli offers this negative characterization of non-Jews as if it is general knowledge, as inevitable as it is obvious. The discussion of Gentile shepherds suggests that it is not just Jews who are aware of differences between Jews and Gentiles; Gentiles sense these differences too, and they take advantage of them. The particular phrasing emphasizes a sharp differentiation between "Us" and "Them"—"*They*, who are familiar with them, they fear. *We*, who are not familiar with them, they do not fear." The editors here uphold a strong partition between Jews and Gentiles and assert that Jews are morally superior to others.

At this juncture, before continuing with the progress of the sugya, let me offer some broad observations about the distance traversed so far. Though the topic of the mishna and baraita—bestiality—might strike contemporary readers as especially lurid, even scandalous, the talmudic editors approach this material with the same set of interpretive tools they apply to all manner of legal material, and with their typical aplomb. Their deliberations pursue well-trodden paths of talmudic discourse: they raise difficulties, then resolve them. By ferreting out differences between the cases, they are able to uphold rulings that initially seem to conflict but are shown to govern different circumstances. This is not to say, however, that the Bavli makes no value judgments, or that its conclusions are the necessary outcomes of dispassionate analysis. They are not. Confronting a mishna that seems to judge non-Jews harshly and a baraita that is more lenient, the editors choose to uphold the mishna's suspicious outlook, identifying the more tolerant baraita as the exceptional case. Rationally speaking, it could have gone otherwise. The sugya could have limited the force and breadth of the mishna's suspicions, using the liberality of the baraita to suggest that Gentiles are not generally in the practice of sleeping with animals but are only to be suspected of this in certain exceptional circumstances.[20] Here, the dispassionate tropes of the dialectical discourse serve to reinforce and rationalize the more extreme of the two tannaitic claims about Gentile character. Taken individually, the mishna vilifies non-Jews and the baraita vindicates them. As contextualized within the opening talmudic argument, the mishna and the baraita are reconciled in such a way as to be doubly vilifying: Gentiles are always to be suspected of sexual deviance and deceit, except when their financial self-interest intervenes.

Returning now to the sugya, let's note that considerations of gender enter the discussion in two distinct stages. First, as we have already

seen, the editors distinguish between male and female cattle: they argue that Gentiles refrain from having sex with the female animals they own for fear of making them barren, and that they refrain from sex with their male animals so as not to weaken the animals' flesh. Having established that both male and female beasts are vulnerable to physical and material consequences following sexual predation by human *males*, the talmudic editors next raise the question of gender in relation to the human offenders. Do the unspecified Gentiles of the baraita, identified merely by the masculine plural pronominal suffix "for them" (מהן), relate to Gentile men exclusively or to the general class of Gentiles, including both men and women?[21] This is the question the editors pursue as the deliberation proceeds. The talmudic editors assume that bestial sex between a woman and an animal does not physically harm the animal:

> We should not buy male animals from females, for perhaps she had bestial sex (with them) on top of her.
>
> (We can say that) since she would be scared of causing an attachment to her[22] [in the animals, she would not have sex with them, and thus we need not suspect the female Gentile of having sex with male animals, and may buy them and use them for sacrifices].
>
> But here is a teaching from Rav Yosef that seems to conflict: "A widow should not raise a dog, and should not keep a rabbinical student with her as a boarder." It is easy to understand that the rabbinical student is modest [and would not boast about an affair], but as for the dog, (why not? Since) wouldn't she be scared of inciting a sexual attraction for her in him?
>
> (There,) since when she throws him a piece of meat, he attaches himself to her, she says [to herself that] people will say, "That one who attaches himself to her, it is because of the meat that she throws him."[23]

At issue here is the question of how the baraita could permit the male animals purchased from Gentile women to be used for sacrifices, given that the rationale provided earlier—that the profit motive neutralizes the bestial proclivities of Gentiles—is not relevant, since sexual intercourse between a human female and a male animal would not physically damage the animal. To answer this difficulty, the editors propose that Gentile women are constrained from sleeping with animals for a different reason than their men are—while Gentile men refrain from bestiality so as not to damage their property, Gentile women hold back for fear of provoking an attachment in the animals.

What exactly are the women afraid of? The Bavli does not initially tell us. It is easy to imagine that a woman might fear for her safety, having inflamed the sexual attentions of a large and powerful beast. The continuation of the argument develops another line of reasoning, however, and we can only extrapolate how the Bavli understands what the woman's precise fear is by reading on a bit further in the dialectic. In the back-and-forth of the sugya, the editors present a teaching of Rav Yosef as a challenge to the proposal that fear is a sufficient deterrent to bestiality in women. According to Rav Yosef's teaching, a widow may not raise a dog and may not take in a rabbinical student as a boarder. As understood by the Bavli, this is because Rav Yosef understands that given an opportunity, the widow—a woman with no other sexual outlet—might sleep with the dog or with the rabbinical student, and these improprieties must be avoided. Rav Yosef's dictum represents a challenge to the proposal that fear deters female bestiality, because it presumes that lustful women cannot be trusted with animals. If the fear of awakening the attraction of animals did indeed have sufficient deterrent power, then there would not be a problem with widows keeping dogs as pets.

The editors move quickly to neutralize the challenge posed by Rav Yosef, explaining that the case of the Gentile woman who would sell her sheep, goat, or cow for a Jewish sacrifice is different from the situations Rav Yosef addresses. It is at this point in the argument that the editors for the first time reveal how they construe the precise fear that constrains women's bestiality: this fear is not, we discover, a fear of physical harm, but rather a fear of social exposure. For the Bavli, the important difference between Rav Yosef's teaching and the baraita relates to the likelihood of a woman's sexual liaisons being discovered. In the case of Rav Yosef's rabbinical student, a widow could sleep with her young boarder with impunity, trusting that the young man would be discreet and not engage in kiss-and-tell. This is why she is not permitted to have such a close-mouthed boarder. Similarly, if the widow kept a dog as a pet and then had sex with it, inflaming a passionate attachment in the canine, it is unlikely that the impropriety of her sex act would ever be exposed—one who witnessed the dog's attachment to the widow would likely assume it resulted from the meat that she fed him—and this is why the widow cannot be allowed to have a pet dog.[24] When it comes to livestock, however, the logic behind Rav Yosef's rulings does not apply: livestock animals are different from dogs, in that their attachment to human women could

not so easily be explained away. Rav Yosef's dictum—at least as the Bavli understands it—serves as the key to understanding that the fear that restrains the Gentile woman from taking her male animals to bed is not a fear of physical harm, but rather a fear that the bestial acts might be discovered. The force of the talmudic argument is to suggest that if Gentile women were to sleep with their livestock, there would be some indication of this in the animals' behavior. Gentile women can thus be presumed to refrain from sleeping with their animals, because they do not want to be found out. The Gentile woman's fear of inciting a sexual attachment in her animals is a fear of exposure; this concern inoculates her from acting on her bestial impulses, and ensures that her cattle are kosher for sacred use by Jews.

To sum up: By this point in the argument, the editors have effectively defended the rationale they proposed for the baraita, demonstrating that despite the mishna's considered suspicions of non-Jews' sexual proclivities, Jews may nonetheless be confident that the animals they purchase from non-Jews—from both men and women—have not been used sexually. In the cases of both men and women, the talmudic editors propose that the bestial impulses that the mishna imputes to Gentiles are attenuated by social considerations. Gentile men are hemmed in for economic reasons, and do not sleep with their livestock for fear of damaging them physically and thereby diminishing their financial worth. Gentile women are motivated by considerations of reputation and social status, and do not sleep with animals for fear of being found out. Gentile women, the Bavli suggests, know that bestiality is wrong, and even if they are insufficiently virtuous to refrain from such behavior in privacy, the prospect of being exposed provides sufficient motivation to hem in their deviant impulses. Relative to the men, Gentile women are here granted some measure of social delicacy and good taste.

It is at this point in the sugya, as the editors address gender differences, that they for the first time suggest that the differences between Jew and Gentile, between "Us" and "Them," are not absolute. Gentile women are not quite as unscrupulous as their men, and neither are Jewish women quite so virtuous as Jewish men. The suggestion that Jewish women are not beyond reproach is not explicit, but it is the clear implication of the editors' insertion of Rav Yosef's dictum. As a parallel passage from b. Baba Metzi'a 71a makes clear, the widow whom Rav Yosef addresses is not a Gentile woman but a Jewish one. Though the explicit task of the talmudic passage is to provide

a rationale for limited relations with non-Jews, the Bavli editors here appeal to a teaching that in itself has nothing to do with non-Jews—it is a teaching about Jewish women. With the entrance of women into the talmudic discussion, the partition between the category of Jew and Gentile begins to leak. The Bavli introduces a specter of suspicion that the Mishna does not anticipate—that it is not only Gentiles who have bestial tendencies, but Jews as well. If Jewish widows need be protected from their own pet desires, rabbinic anxieties about intercourse between people and animals apparently lie closer to home than the mishna indicated. Are Jewish women subject to the same animal drives that the mishna attributes to Gentiles? As the sugya continues, the editors raise this question explicitly. First, though, they must account for one remaining permutation of Gentile-animal liaison they have not yet addressed:

> Regarding female [livestock] with female [non-Jews]: What is the rationale for not leaving them alone together?[25]
>
> Mar ʿUkva bar Ḥama said: "Because non-Jews frequent the wives of their friends, and on occasion when one does not find a woman in, he might have sex with an animal."
>
> Alternatively, I could say: Even if he finds his friend's wife in, he will nonetheless have sex with the livestock of a Jew, which he prefers, as a master has said: "The livestock of Israel are dearer to them than their own women," for as Rabbi Yoḥanan has said, "In the moment that the serpent came upon Eve, he left his filth within her."
>
> Israel, in standing at Mount Sinai, had their filth cease. Non-Jews, who did not stand at Mount Sinai, did not have their filth cease.[26]

The final permutation of Gentile–livestock coupling that the sugya addresses is the case of a Jewish-owned female animal left in the care of a female Gentile. The editors' heteronormative presumption is that there is no potential for sexual dalliance between females, and so there is no apparent rationale for the mishna to prohibit the stalling of a cow, nanny goat, or ewe in barns owned by a Gentile woman. Why, then, does the prohibition govern this case as well? The Bavli explains that the threat in such cases stems not from the Gentile woman who operates the stalls, but rather from Gentile men who might come around. The sugya offers two alternative rationales, painting a picture of Gentile masculinity that goes from bad to worse. According to the first account, the problem is that non-Jewish male sexuality is promiscuous and rapacious. Non-Jewish men frequently seek out sex partners outside the bounds of marriage. If a non-Jewish man comes to a non-Jewish woman for sex and does not find her at home,

he could very well seek sexual satisfaction with a female animal on the premises instead. The alternative rationale is even more extreme, alleging that bestial desires are the norm and not the exception for non-Jewish men: a non-Jewish man might seek out livestock for sex even if a human female is available. The hyperbole about the superiority of Jewish animals to Gentile women is a potent example of rabbinic swagger, as it simultaneously casts aspersions both on the sexual allure of Gentile women (less attractive than cattle) and on the moral character of Gentile men (they like to sleep with animals). The statement is an invitation to return to the opening assertion of the mishna, the claim that bestiality is prevalent among Gentiles. As this unit of argumentation—the Bavli's first pass at reconciling the mishna and baraita—approaches its end, it grounds the mishna's allegation in biblical myth, tracing the bestial compulsion of non-Jews to an original liaison between Eve and the serpent in the Garden of Eden.

In Rabbi Yoḥanan's retelling of the Genesis story, the snake seduces Eve and copulates with her. This is a striking revision of the biblical story, in which there is no sex between Eve and the snake, but only a verbal interaction in which the snake persuades Eve to transgress the divine command not to eat a certain fruit. The biblical story is rich with sexual innuendo, however, and the Bavli's editors were heirs to interpretive traditions that depict the snake in sexual terms.[27] The suggestion that Eve's error is indelibly inscribed in the human makeup, that she contracted a "filth" that is passed on through the generations, resembles Christian ideas of original sin. The innovation of the Bavli here is to identify Eve's original sin not with lust generally, but with bestiality in particular. Rabbi Yoḥanan's statement not only promotes bestiality as the cardinal perversion among the whole array of sexual prohibitions in biblical law; it identifies bestial desire as somehow constitutive of humanity from the beginning. The insertion of primordial myth into the talmudic discussion raises the stakes of the talmudic argument, broaching the possibility that the behaviors under discussion should not be seen as individual lapses or even as broad-scale failures of Gentile society, but rather as expressions of the essential human makeup. In this reading of the Genesis story, sexual desire for animals becomes the defining feature of Eve's progeny, an indelible stain on the human personality.

Now the editors must explicitly address the prospect that arose obliquely in the discussion of Jewish widows and their dogs above: Does bestial desire afflict Jews as well as Gentiles? Having provided

an etiology that traces the bestial impulse back to the mother of all human life, this would seem to be the inescapable conclusion, and yet the editors protest that this is not the case. Reaching once again into the mythic past, they explain that the revelation at Mount Sinai neutralized the effects of Eve's sin. Torah counteracts the base bestial impulse that characterizes humanity in general.

With the citation of Rabbi Yoḥanan, the Bavli magnifies the Mishna's suspicions of Gentiles, suggesting that bestial desire is a constitutive element of the Gentile personality. But that is not all this passage does: the allegation of an original act of bestiality raises the possibility that some children of Eve are not the legitimate children of Adam, but were rather spawned by the serpent.[28] The revision of Scripture thus gives narrative expression to the mishna's implication that Gentiles have an affinity with animals, raising the possibility that some humans are attracted to beasts because they come from beasts. While this allegation is not spelled out, I would argue that it is tacitly implied, and that the earlier discussion of Rabba's folk aphorism, with its suggestion that "it takes one to know one," primes us to make precisely this inference. At this point in the sugya, three distinct outlooks on non-Jews' relationships with animals are being held in the balance: (1) non-Jews are literally attracted to animals; (2) non-Jews are figuratively compared to animals; and (3) non-Jews are genetically descended from animals. Whether we choose to follow Rabbi Yoḥanan's rewritten scripture to its logical conclusion or not, the tradition effectively attenuates the differences between (non-Jewish) humans and other animals. It might not be too extreme to say that for the editors of this passage, the intervention of Torah separates God's select from the mass of humans who would count dogs, sheep, and snakes among their kith and kin.

Once again, I would like to step back and note how the passage joins rational analysis with grotesque imagination. On the one hand, the legal dialectics are clear and well argued: by this point in the sugya, the editors have successfully demonstrated that the baraita and the mishna are entirely reconcilable, in every permutation, and in doing so have left open the possibility for Jews to do business with Gentile sellers of livestock. At the same time, however, the passage's account of the character of non-Jews is extreme. The sugya imposes rational analytics onto content that is sodden with chauvinistic notions and taboo sex fantasies. As this unit of argumentation comes to a close, it culminates with two images that are even more lurid.

The prompt for their inclusion is a well-reasoned question about how far the mishna's legislation extends: Does the presumption of Gentile bestiality extend to fowl as well as cattle? The answer strays into the realm of the pornographic: "It was asked of them: What is the law for fowls? Come and hear what Rav Yehuda said that Shmu'el said in the name of Rabbi Ḥanina: 'I saw a non-Jew buy a goose have sex with it, strangle it, roast it, and eat it.' Rabbi Yirmiya of Difti said: 'I saw an Arab who bought a flank of meat from the market, cut into it so as to have sex with it, had sex with it, roasted it, and ate it.'"[29]

The editors answer the legal question about fowl in the affirmative, but only indirectly, as they provide Rabbi Ḥanina's eyewitness account of Gentile bestiality. Given that rabbinic memory records a known instance of a Gentile having sex with a goose, it would seem that non-Jews can no more be trusted with birds than with livestock. For the purposes of deciding the law, it would have been enough to know that sexual liaisons between non-Jews and fowl do occur. Here, however, the report conveys much more: the Gentile in question not only has sex with the goose, he kills it, cooks it, and eats it afterward. The vividness of Rabbi Ḥanina's narrative account exceeds the statement's dialectical function within the argument, and the effect of this cascade of details is to press "the gross factor," confirming and extending the passage's degradation of Gentiles. Rabbi Ḥanina's testimony depicts a non-Jew (or *the* non-Jew) contorting all semblance of human civilization, dissolving the fundamental norms of social behavior into a carnivorous carnality that cannot distinguish between sex and food. Astonishingly, however, before the sugya comes to its end, the editors provide yet a more extreme example of Gentile depravity. The inclusion of Rabbi Yirmiya's statement does not answer any question or challenge posed for dialectical purposes, but rather reflects the logic of one-upmanship. Rabbi Yirmiya's story exceeds even the excesses of R. Ḥanina, so that the sugya culminates in the rabbinic equivalent of a rhetorical game of "What's grosser than gross?" The chief difference between Rabbi Yirmiya's account and that of R. Ḥanina is that Rabbi Yirmiya's offender copulates with meat that is already dead.[30] The repellant power of the image reverses the logic of contemporary pornography, which imagines women's bodies as meat; here meat is imagined as sex object.[31] As the opening sugya draws to a close, it moves from myth to the marketplace, offering eyewitness accounts to corroborate allegations about the moral debasement of non-Jews.

We have now worked through the basic moves of the talmudic chapter's opening sugya. Over the course of this passage, we can trace two different trajectories that move in different directions. On the surface, the editors offer a legal argument, propelled by claims and counter-claims, and organized around a central question about how to reconcile two conflicting legal traditions. The force of this argument is to carve out a space for a limited range of transactions with non-Jews—the purchase of their animals for sacrifices—despite a general principle of separation and suspicion. But even as the back-and-forth of this legal reasoning proceeds, another kind of argument unfolds through images and innuendo. Beyond and beneath the legal analysis, the bits and pieces of dicta, narrative, and inherited tradition assembled by the editors make a case for non-Jewish depravity that is deep and broad—so broad, in fact, that it implicates not only non-Jews but the ancestors they share with Jews, and perhaps even some categories of Jews as well. In the next section, it is this level of argumentation I engage, as I explore what the discussion of bestiality might have to teach us about how the talmudic editors understand relationships between Jews and Gentiles and between humans and other animals.

JEWS, GENTILES, AND OTHER ANIMALS

In reviewing the basic moves of the first unit of dialectic above, I made some preliminary suggestions about how ideas about gender and animality creep into the Bavli's treatment of Gentile difference. Now I delve deeper and unpack those ideas. Examining the opening sugya's thoroughgoing engagement with bestiality, I am guided by a set of questions that Wendy Doniger raises in her cross-cultural analysis of myths recounting trysts with animals (or with gods and humans masquerading as animals): "What is animal? What is human? Where (if anywhere) is the line between them? Is sex most deeply human or most deeply animal? Where on the continuum between human and animal do we locate our longings and fears? How do different cultures, classes, genres, periods, valorize some possibilities and constrain others?"[32] These are the questions that animate my considerations of "ʾEyn Maʿamidim." My overarching argument is that ideas about the animal nature of non-Jews, women, and other humans skulk beneath the surface of this entire talmudic chapter's legal discussions, and coil around almost every account of interpersonal encounter.

I find in this opening sugya the rudiments of a theory of human animality, an outlook on the nature of the human personality, on sex and gender, and on Jewish-Gentile difference that emphasizes continuities between human beings and other species, even as it distances Jewish men from other humans. I do not attempt to argue that this mode of thinking characterizes rabbinic thought generally, or even that it typifies the views of the Bavli's editors—such claims would require analysis of a much broader sampling of texts. I do seek to show, however, that this opening sugya sets out an understanding of human relations and difference that informs this talmudic chapter as a whole. Moreover, elucidating the particular outlook suggested in this sugya offers a discrete heuristic benefit: beyond the inherent interest of any investigation into human self-understanding, and beyond any specific ethical insights that emerge, this exercise will help us address interpretive difficulties that emerge later in "ʾEyn Maʿamidim," in the discussion of Gentile wine.

Even as I frame my inquiry in terms of the relation between the human and the animal, I am attentive to the poststructuralist critique that not only challenges the binary "human versus animal," but also seeks to deconstruct the term "animal" altogether. The problem with the concept of "the animal" is captured succinctly by Derrida in the passage that I have chosen as the epigraph for this chapter:

> Confined within this catch-all concept, within this vast encampment of the animal, in this general singular, within the strict enclosure of this definite article ("the Animal" and not "animals"), as in a virgin forest, a zoo, a hunting or fishing ground, a paddock or an abattoir, a space of domestication, are *all the living things* that man does not recognize as his fellows, his neighbors, or his brothers. And that is so in spite of the infinite space that separates the lizard from the dog, the protozoon from the dolphin, the shark from the lamb, the parrot from the chimpanzee, the camel from the eagle, the squirrel from the tiger, the elephant from the cat, the ant from the silkworm, or the hedgehog from the echidna.[33]

In this passage, Derrida points out that to speak about "the animal" is to speak about our understanding of what it is to be human. The very conceptualization of the animal is an act of human self-definition that both denies the vast diversity of the animal world and renounces humans' complex and variegated interactions and similarities with other species. Derrida thus alerts me to a violent prejudice and a lack of sympathy that lodges in the very language that I bring to

the talmudic text. This prejudice is the heritage of Western thought, as Derrida points out.[34] One question that his critique prompts me to consider is to what degree does this same prejudice inhere in the Bavli as well?

Turning back to our sugya, we find that while the passage is crawling with cattle, dogs, and snakes, in fact there is no one general term used here corresponding to the concept of "animal." The mishna introduces the word *behema* (בהמה), a term that I consistently translate as "livestock," to designate domesticated species of mammal that belong to the herd and farm: cows and oxen, sheep and goats.[35] An animal companion such as a dog might be considered a *behema* as well.[36] A wild animal is not designated as a *behema,* but rather as a *ḥaya* (חיה).[37] The way rabbinic language organizes the animal world is one hint that rabbinic culture attends to the diversity of animal life in a way that Western thinking generally does not (at least according to Derrida). This might be explained, in part, as a legacy of biblical law, in which the classification of animals is central to both dietary restrictions[38] and to sacrificial law.[39] Legal discussions in the Bavli engage animals in a wide variety of ways: as objects of the law in discussions of kosher slaughter, sacrifice, and torts; and, sometimes, as legal subjects as well.[40] Elsewhere in the Bavli, we find traditions that penetrate beyond legal taxonomies and describe the distinctive traits of individual species. For example, in b. ʿEruvin 100b, Rabbi Yoḥanan famously looks to diverse species' behaviors as models for social and sexual comportment: "If the Torah had not been given, we could have learnt modesty from the cat, the laws of theft from the ant, sexual interdictions from the dove, and good manners from the cock, who first coaxes [his mate] and then has sex."[41] In its use of animal imagery and in legal discussions, the discourse of the Bavli registers the diversity of animal life.

Rabbi Yoḥanan's appreciation for animal sex in ʿEruvin makes for a stark contrast with our sugya's account of sex acts between people and animals. Implicit in the transgressive nature of bestiality is a strong boundary separating humans from all other species. Even though the Bavli lacks an overarching term for "animal," I submit that the fact that the discourse in our sugya moves so swiftly and organically from a discussion of sex with livestock to a discussion of sex with dogs and from there to an interpretation of Eve's encounter with the snake suggests that there is some broader category, some underlying conceptual thinking at work here. Livestock, dogs, and

snakes are linked through their participation in that certain species of sexual transgression that the English language calls "bestiality" and that the Bavli sometimes names "revi'a" (רביעה), and sometimes simply illustrates through example. The flow of the talmudic argument that connects all these sexual transgressions indicates that the editors do have a clear notion of a line that not only separates humans from all other species, but also encloses all other species in a single category. The Bavli's discussion of bestiality designates that boundary in its breach.[42]

I would argue that what distinguishes the Bavli both from the Western tradition of humanism that Derrida critiques and also from the critical animal studies in which Derrida participates is that it shows little interest in either protecting the boundary between humans and other animals or in protesting it. That is, the editors of the Bavli are not humanists, and they are not posthumanists. They keep sentry over another borderline far more vigilantly than they guard the human-animal divide, and that is the boundary separating Jews—and Jewish men, in particular—from all others.[43] Continuities among beasts, Gentiles, and women are self-evident to the talmudic editors, and this breadth of animal experience serves as the backdrop for promoting that which distinguishes Jewish males. While the Bavli thus escapes the "speciesism" that plagues Western philosophy, it does so by promoting an andro/ethnocentrism that nonetheless makes many contemporary readers squirm.

In the opening sugya, the coincidence of sexual themes and animal themes means that even as animals are sexualized, sex is "animalized." Gentile men, Gentile women, and Jewish widows are all characterized as being lascivious and broadly promiscuous: Gentile men are accused of frequenting other men's wives, as well as cattle; Gentile women would sleep with their livestock if only they could keep it a secret; Jewish widows cannot be trusted to be left alone with dogs or male boarders. In all these examples, even when intra-human relations are being described, sexuality is depicted in terms of aggression and pursuit, and as an expression of unbridled impulse. The denigration of sex comes through most powerfully in the passage's allusion to the story of Eve, which reimagines the biblical story so that the first and quintessential human offense against God is not disobedience, nor even the discovery of carnal knowledge in general, but rather bestial sex in particular. The insertion of this specific offense into the mythic story of human origins suggests that all human sexuality is

somehow tainted, and, more than this, that the filthiness of human sex is precisely its connection to animals. In the opening sugya, whenever humans pursue sex, they are turning away from God and cleaving to the animal.

To be sure, this characterization of sex is not the outlook one generally finds in the Bavli, where sex is affirmed as a realm of both pleasure and religious obligation.[44] The only explanation I can offer is that the degradation of sex here is a consequence of the xenophobia (expressed through speciesism) that is the foremost theme of the passage. Martha Nussbaum argues that one effect of denying one's kinship with animals is to distort relationships with one's fellow humans.[45] Here, the effort to distinguish Jews from non-Jews contorts and constrains the Bavli's depiction of human sexuality, narrowing the focus to sex that is debasing. The very focus on sex—an area of life that is common to animals, Gentiles, and Jews—means, however, that the effects of this debasement are scattershot. It is not only non-Jews who are degraded, but Jews as well. As I pointed out in my analysis above, there are two points within the sugya where the possibility is raised that not only Gentiles, but also Jews are implicated in bestial desire. The possibility first emerges implicitly with the citation of Rav Yosef's ruling that widows may not keep dogs as pets. Later in the passage, the question of Jewish bestial desire is raised explicitly with regard to the common human heritage from Eve. Like a man who calls his own brother a son of a bitch, this sugya alleges that all the children of Eve are like animals, and then must contend with what this means for Jews, who are, after all, part of the human family. Because of the clear implications of Rav Yosef's dictum, and because of the association of Eve with womankind, the editors are far more effective in silencing the suggestion of bestial sex with respect to Jewish men than with regard to Jewish women. Bestial desire thus emerges as a point of contiguity between Jewish women and non-Jews, highlighting the distinctive claims the Bavli here makes on behalf of Jewish masculinity.

The editors of this sugya endow Jewish men with a distinctive sexual virtue—modesty—in their discussion of Rav Yosef's ruling. According to the peculiar logic of the sugya, however, "modesty" does not mean refraining from having sex, but merely refraining from talking about it. This is, to be sure, not the usual understanding of the term, and the strangeness of the interpretation makes the reasoning in this part of the sugya seemed strained. But this is not the only context in the Bavli where Rav Yosef's teaching is cited, and the parallel

discussion in Baba Metziʿa 71a not only confirms this reading, but also strengthens it. In Baba Metziʿa, Rav Yosef's dictum is cited in the context of a discussion about whether proselytes and women may own slaves. The following proposition is made: a Jewish woman may own male Canaanite slaves but may not own a Hebrew slave. Here is the rationale: Because the Hebrew slave is modest (צניע), and would not divulge a sexual liaison, he may *not* be bought by a woman, for fear that she would sleep with him, undeterred by any concern that the affair would be exposed. The Canaanite slave is licentious (פריץ), however, and so he is permitted to be purchased by the woman, because her fear of being exposed will restrain her from sleeping with him. It is at this point in the discussion that Rav Yosef's dictum is raised as a challenge. The editors analogize Rav Yosef's modest rabbinical student to the modest Hebrew slave, and Rav Yosef's pet dog to the Canaanite slave, and ask why the dog should *not* be allowed to a widow—surely fear that the dog would expose the widow's impropriety would deter her from taking advantage of the dog, in the same way that she is restrained from making advances on the Canaanite slave by her fear that he will kiss and tell?! In response to this challenge, the editors offer the identical rationale we saw in our sugya above—that the widow could lead others to believe that the dog's attachment to her stems from his interest in the meat she feeds him, and not from a sexual liaison.

While the two talmudic passages read Rav Yosef's statement in similar ways, the Baba Metziʿa passage makes explicit that which remains implicit in AZ, namely, that Jewish men are distinguished from others by a particular quality of restraint. In both passages, the rabbinical student is identified as "modest" (צניע); in Baba Metziʿa, this quality is assigned to the Hebrew slave as well, in contrast to the Canaanite who is characterized as "licentious" (פריץ). But the "modesty" of the Jewish male is illustrated in a way that does not relate to sexual abstinence, per se. It is apparently presumed that every male, whether Canaanite or Jew, whether human or animal, will engage in sex with a woman who makes herself available. The salient question in both talmudic treatments is not whether a man (or animal) will accept a woman's sexual advances, but rather whether having slept with her, he will publicize it afterward. The difference between the Jew and the non-Jew is not that one resists sexual temptation more effectively than the other—neither can be expected to do that, apparently—but rather that the Gentile will talk about his dalliances

while the Jew keeps mum. Note how the logic of the sugya shifts the focus from the likelihood of transgression to the likelihood of being found out. The paired terms "modest" and "licentious" are effectively transposed from the realm of sexual behavior to the realm of verbal behavior, so that the "modesty" of the Hebrew slave (in Baba Metziʿa 71a) or the rabbinical student (in AZ 22b) does not bespeak sexual restraint, per se, but verbal reticence. The virtue that these passages valorize and associate with Jewish men (Baba Metziʿa 71a), and with rabbis in particular (AZ 22b), is not sexual continence, but verbal continence.

The verbal restraint attributed to Jewish men is not unconnected to the animal theme, because there is a long history of identifying language as a trait that distinguishes humans from beasts, both in the Western philosophic tradition and in rabbinic culture. This broadly held idea is conveyed succinctly in a comment in Genesis Rabba: "Rabbi Yehoshuʿa said in the name of Rabbi Ḥananya, the rabbis said in the name of Rabbi ʾElʿazar: God created within the human four traits from above and four from below. From below, he eats and drinks like an animal, reproduces like an animal, eliminates like an animal, and dies like an animal. From above, he stands like the ministering angels, speaks, understands, and sees like the ministering angels."[46]

This teaching imagines the human as a being that mediates between the divine realm and the animal world, partaking of the material, biological existence of animals, but also participating in a higher world of abstraction, perception, language, and cognition. It is this image of a continuum of existence extending from the divine world down into the world of animals that lies behind our sugya,[47] but in our sugya it is subjected to subtle recalibrations. The Bavli editors refract the category of the human through the prism of gender and again through the prism of Jewishness so that the very features that conventionally distinguish humanity from the beasts are here used to distinguish Jewish males in particular from other human beings.

Our sugya puts control over language within the exclusive domain of the male Jew. In an interesting inversion of the trope that privileges speech as the distinction of humanity, here the distinguishing virtue of the rabbinical student, his command of language, is expressed through a deliberate reticence. On the chain of being that climbs from the animal to the angelic, women and Gentiles crouch toward the beasts, while Jewish men alone cling to the higher rungs.

All the human characters in our opening sugya are sexual beings, but some humans' sexuality bespeaks proximity to animals more than others. Our sugya thus effectively cleaves apart the double inheritance that imparts to the human being equal parts of the higher and lower realms, emphasizing human proximity to animals in relation to Gentiles and to women, while attenuating that proximity for Jewish men by emphasizing the rabbinical student's power over language. The editors of our sugya don't so much redraw the boundaries of exclusion as rename them, so that Jewish men alone occupy the top rung of animate existence, and other humans join other species in a largely undifferentiated mass.

To plot these positions on the hierarchy projected by Genesis Rabba is to leave out important aspects of the sugya, however, because even as the editors make a case for male Jewish superiority, their arguments are intertwined with intimations that Jews and Gentiles are not as different as they claim. As noted above, the intersection of gender and the Jewish-Gentile divide induces leakages between categories. Even though the editorial voice of the Bavli expressly denies that Jews as well as Gentiles have inherited a bestial orientation from Eve, the situation of Jewish women remains uncertain. First, there is the disturbing matter of Rav Yosef's teaching, with its suggestion that bestial impulses persist among Jewish women, coming to the fore during widowhood. Second, according to the editors of our sugya, it is the covenant at Sinai that cancels the bestial impulse in Jews, but the degree to which the Sinai revelation makes a claim on the women of Israel is unclear.[48] The very effort to separate Jewish men from the animality that characterizes non-Jews and women undermines claims of male Jewish superiority, because women are, after all, the Jewish men's wives and mothers. The animal impulses that the sugya associates with Jewish women mean that Jewish men, even rabbis, cannot wholly escape the animality that is abhorred in non-Jews.[49]

Another factor that presses against any facile schematization of Gentile-Jewish difference in the sugya is the nuanced way in which humans and other animals are characterized. Above, I noted that the Bavli never quite falls into the trap of herding the whole array of animal life within a single enclosure called "the animal." Despite my contention that there is some underlying concept of "the animal" at work here, evidenced by the structural identity between two instances of bestial intercourse—Gentile women and livestock, on the one hand, and Jewish widows and pet dogs, on the other—livestock and dogs

are not the same. The Bavli is heir to a culture that has a long tradition of sorting and categorizing animal species, and the livestock that can be used for sacrifice and for meat are identified by the Bible as "pure livestock."[50] These species live just outside human habitation, in barns and stalls, and to have sex with them would mean leaving the home, crossing a threshold into a different realm.[51] Pet dogs, on the other hand, sometimes live more closely with humans and can never be mistaken for food.[52] Further, dogs are carnivores, a feature that the Bavli highlights when it imagines a Jewish widow throwing her canine paramour a steak. This means that while there is a sense in which a dog is wilder than a cattle animal, it is wild in precisely the ways that humans are, in its appetites for meat and for sex. Its love for meat means that it can be trained and made to be loyal. In this, a dog is more a moral creature than an ox or sheep, who are wholly passive, dumb flesh. If like attracts like, the differences between dogs and livestock point to differences in the characterization of Jewish women and Gentile women: sleeping with a beast of burden perhaps signifies a steeper fall from human civilization than sleeping with a canine companion. At the same time, the Jewish widow's affinity for dogs adds an element of ferocity to her characterization. The editors draw on tacit cultural knowledge about species differences to insinuate subtleties of human difference that arise from the intersections of gender, ethnic, and religious boundaries.[53]

Beyond this, I would argue that it is not just species and group differences that the Bavli here engages, but also peculiar singularities that defy categorization altogether. This means that alongside the contributions of structuralist anthropologists like Mary Douglas and Edmund Leach, who make taxonomies of species their stock and trade, we would do well to consider how poststructuralists approach the human-animal divide. In his work on animals, Derrida insists not only that we differentiate between the cat, the cow, the echidna, and the amoeba, but also between cats in general, and a particular cat: "The cat I am talking about is a real cat, truly, believe me, *a little cat*. It isn't the *figure* of a cat. It doesn't silently enter the bedroom as an allegory for all the cats on the earth, the felines that traverse our myths and religions, literature and fables."[54] Derrida devotes a good portion of one of his lectures to his pet cat, developing the peculiar dimensions of their intersubjectivity over the course of several pages.[55] As he self-consciously explores the self-consciousness that his cat's gaze awakens in him, he gives texture and depth to his insistence

that we regard animals as subjects and illustrates, by counterexample, the impoverishment of engaging "animals" in general.

The Bavli editors are expert in depicting the particulars of experience and relationship. Consider, for example, the precision with which they portray the hypothetical widow's bestial affair. With but a few words of manufactured inner dialogue, they convey both the perverse intimacy of the dog's connection and the widow's self-consciousness about the gaze of others: "Since when she throws him a piece of meat, he attaches himself to her, she says [to herself that] people will say, 'That one who attaches himself to her, it is because of the meat that she throws him.'" Within the Bavli, such snapshots of lived experience are interspersed within the dialectic. The editors do not pause to ponder the particulars, and they certainly don't generate theory from them, as does Derrida, but these sudden flashes of life are so precise and peculiar they strain against being generalized, even as the arguments pull in that direction. Consider another example: the depiction of the hypothetical rabbinical student who succumbs to his landlady's advances, and then holds his tongue about the affair—though all this drama unfolds between the lines of a terse dialectical exchange, the vividness with which his situation is conveyed is almost cinematic. The immediacy and particularity of his circumstances militate against reading his character as merely emblematic. To be sure, these characters are still representative, unlike Derrida's particular little cat. But to the degree they participate in a taxonomic schema, the taxonomy they animate is exquisitely specific.

All this is to suggest that while the main thrust of the sugya's arguments effectively promotes the supremacy of Jewish men as a group, crosscurrents in the sugya move in other directions. At the end of the sugya comes yet another hint—albeit a subtle one—that it is not just women and Gentiles who harbor animal impulses, but Jewish men as well. The two graphic descriptions of non-Jewish men fornicating with their food no doubt serve, in the main, to demonstrate that a wide gulf separates Jews from Gentiles. The sense of revulsion that these stories elicit reinforces the very segregation from non-Jews that the rulings under discussion are legislating. But as noted above, the degree of detail provided about these cases far exceeds the demands of the dialectic. These stories do not simply repulse, they also titillate. To the degree that these images of sexual depravity are pornographic, in lingering over the gruesome spectacle, the editors expose their own prurience as voyeurs, serving up the fornications of others as a feast

for the imagination. At the end of the opening sugya, these two rabbinic reports about non-Jewish depravity effectively join rabbi, Gentile, and animal in a strange threesome, so that no group entirely escapes the debasement to which animals are subject.

Here, then, is what our investigation of the animal-thinking in this opening sugya has revealed: undergirding the legal arguments for limiting interactions with non-Jews is a hierarchical understanding in which Jewish men occupy the highest rungs of animate existence, and women and Gentiles are degraded by their association with animals. In this antipodal scheme, sexuality and impulse are associated with brute animal existence, while language and law are promoted as the distinguishing features of rabbinic life. Yet even as the sugya argues for Jewish supremacy, the stories, images, and traditions that the editors deploy expose a world of unresolved questions, doubts, and fears. In this shadowy realm, received notions about what separates the familiar and the foreign are challenged, as boundaries between the human and the animal are transgressed. The legal dialectics uphold the principle of segregation from Gentiles, but the storytelling testifies to a principle of attraction, and to the power and persistence of unruly impulse. Though the editors subscribe to a vision of humanity in which covenant and learning separate rabbis from others, they cannot fully escape their kinship with Gentiles, their intimacy with women, or the unruliness of their own sexuality.

THE OPENING SUGYA AND THE REST OF THE CHAPTER

We have now surveyed the twists and turns in the opening sugya's dialectic and probed the deeper understandings of human and animal difference that undergird the Bavli's legal reasoning. In this section, I begin to make my case that what I have been calling the "opening sugya" truly fulfills that precise literary function, serving as an introduction to "ʾEyn Maʿamidim" in its entirety.[56] My argument is that the opening sugya is placed where it is because it so aptly anticipates the themes that unify the chapter. The special literary function of the opening sugya comes into sharp relief when we consider the macro-organization of "ʾEyn Maʿamidim" as a whole.

There is something strange about the placement of this particular argument right at the outset of the chapter. As I noted above, the opening sugya is but the first of four successive attempts to resolve a single difficulty: given that the Mishna places non-Jews under suspicion of

bestiality, how is it that another tannaitic tradition allows animals that have been acquired from non-Jews to be offered as sacrifices? In the opening sugya, the editors effectively reconcile the discrepancy, upholding the Mishna's general caution about Gentile proclivities even as they demonstrate that animals purchased from non-Jews can nonetheless be presumed to be fit for sacrifice. Having solved the difficulty, one would expect the Bavli to move on to a consideration of the next clause of the Mishna. Instead, despite the success of the reasoned argumentation in the opening sugya, the editors present four alternative resolutions of the same difficulty, only to reject all of them. First (at the top of 23a) comes Ravina's proposal that the mishna establishes a proactive standard (*le-khatḥila*), while the baraita applies only retroactively (*be-diʿavad*). When this line of reasoning proves untenable, another possible resolution is proposed, as Rabbi Pedat (in the middle of 23a) suggests that the stricter position of the mishna reflects the minority view of Rabbi ʾEliʿezer, while the baraita reflects the ruling of the majority of the sages. This proposal receives extended dialectical treatment, but the effort to reconcile it with a series of other teachings attributed to Rabbi ʾEliʿezer is shown to put undue strain on the commonsense interpretation of the sources.[57] Finally, a fourth proposal, attributed to Rabbi Yoḥanan, is briefly considered on 24b, only to be summarily dispatched with the anonymous editorial statement, "Rather, it is evidently what was taught from the beginning."[58] Were it simply a matter of reconciling the baraita and the mishna, a very different sequence of material would be called for, in which the best resolution would be saved for the end.

I have defined my project as a synchronic reading of the tractate, and it is not my intention to try to reconstruct the editorial processes by which the final version of this chapter took shape. From a literary perspective, however, there is much to be gained by attending to the artistry of the chapter's final organization. The anonymous editors invite their readers to attend to the choices made in shaping the chapter when they themselves belatedly remark upon the success of their opening sugya: "Rather, it is evidently what was taught from the beginning."[59] Why do the editors persist in offering new, ever more complex attempts to resolve a problem they have already solved? The arrangement of the four proposals does not seem arbitrary—the chapter begins with the resolution offered by the anonymous editors, then proceeds with three proposals identified with named authorities belonging to successively earlier generations. That is, as the chapter

moves through the four proposals, we move back in time. Perhaps the governing logic is that if a solution is to be found among the venerated sages of earlier generations, that solution would be preferred.[60] The successive rejection of the earlier attempts effectively reinforces the editors' initial success. While this explanation is possible, it does not account for why the editors would not have begun with Rabbi Yoḥanan's proposal, then moved in chronological order through the various resolutions until the accumulation of failed attempts necessitated the intervention of the editors, who would then be shown to solve the problem handily, all other possibilities having already been exhausted. What, then, accounts for the placement of the unattributed, belated attempt to resolve the difficulty up front, at the very beginning of the chapter? My proposal is that this talmudic chapter opens as it does—despite the anomaly of resolving a problem before attention to the problem is exhausted—because this opening sugya so aptly introduces the salient themes and motifs of the chapter overall.[61]

Most prominent among these themes is the engagement with animals and animality. It is to be expected that the Bavli's attention to livestock would carry on through every attempt to resolve the mishna's and baraita's conflicting assessments of bestiality among Gentiles. Indeed, these deliberations are replete with discussion of the laws governing sacrificial animals, and red heifers in particular. What is most striking about the animal theme, however, is its persistence beyond those deliberations where attention to livestock and to animal sacrifice is "called on by the mishna."[62] Here are some additional examples of the prominence of the animal theme within "ʾEyn Maʿamidim":

- In the longest, most involved narrative within the chapter, the Gentile Dama ben Netina is rewarded for his filial piety with the birth of a red heifer (AZ 23b–24a).[63]
- On 24b, there is an extended discussion of cows who carry the ark back from the Philistines in I Samuel 6; they are credited with singing a psalm of praise. This fanciful midrash is yet another example of how animals and humans are compared. Though elsewhere in the chapter, humans are degraded in their resemblance to livestock, here livestock animals are exalted and anthropomorphized.
- The story of Ben Dama on 27b recounts Ben Dama's death from a snakebite when his uncle Rabbi Yishmaʾel refuses to let him be healed by a min. Rabbi Yishmaʾel insinuates that such heretics are a worse threat than snakes, forging an association between snakes and the enemies of Israel.[64]
- On 28a–29a, an extended collection of remedies for a wide range of

maladies includes prescriptions drawn from both the plant and animal worlds. Prompted by the Mishna's ruling on using Gentile healers, the passage emphasizes the common organic existence of people and other living things, and lends itself to a consideration of the network of connections that tie human bodies to the natural world.

- Deliberations about the strictures governing the use of Gentile food and wine are riddled with discussion of snakes, on pages 30a, 30b, and 35a.[65] As David Kraemer has noted, the persistent engagement with snakes connects these discussions to the story of the serpent in the opening sugya, and implicitly develops a comparison of Gentiles to snakes.[66]

The recurrence of animal characters and animal figures—even when there is no longer any inherent connection between animals and the mishnaic ruling under discussion—is the most striking way that the opening sugya anticipates the rest of the chapter. As I endeavor to show, the frequent mention of animals is not just a literary flourish, but reflects a deep and thoroughgoing engagement with the questions of what it means to be a person and what it means to be a Jew. Even as the editors sustain the comparison of non-Jews and animals for the entire length of "ʾEyn Maʿamidim," here and there they suggest that Jews are subject to animal impulses as well. The hierarchy of animate life constructed in the opening sugya thus informs the chapter as a whole.

The engagement with animals, and with snakes in particular, is the most prominent way that the opening sugya anticipates the rest of "ʾEyn Maʿamidim," but it is not the only element that recurs. Two other themes that I noted in the discussion of the opening sugya become increasingly central as the talmudic chapter unfolds. The first of these is the theme of secrecy and exposure. In the opening sugya, the threat of social exposure is identified as an effective deterrent to bad behavior, and the particular virtue that characterizes the rabbinical student is his ability to keep quiet about his sexual affairs. As we will see in our investigations of the rabbinic prohibitions on Gentile wine, secrecy and exposure figure prominently in the talmudic discussion throughout the second half of "ʾEyn Maʿamidim." This is the focus of Chapter 3, below.

Another theme introduced in the opening sugya that carries through the rest of "ʾEyn Maʿamidim" relates to the liminal status of women generally, and of Jewish widows in particular. We saw hints in the opening sugya that Jewish women are subject to some of the same suspicions that govern the rabbis' relationships with Gentiles.

As the talmudic chapter continues, we find explicit comparisons of widows to non-Jews, and an extended discussion of the degree to which Jewish women can be regarded as members of the covenanted community of Israel. All three of these themes—animality, secrecy, and the liminal status of Jewish women—recur throughout "ʾEyn Maʿamidim," as the Bavli sustains its engagement with the question of what it means to be a human animal, doggedly making a case for (male) Jewish difference.

WIDOWS AND WIVES IN RELATION TO THE COVENANT (AZ 27A, 30A, 39A)

Throughout the opening sugya, considerations of gender trouble the boundary between Jews and others because Jewish women are sometimes depicted as participating in the distinctive privileges of Jewishness, and are sometimes shown to resemble non-Jews. The first sign of ambivalence in relation to Jewish women is the mention of Rav Yosef's dictum, which effectively shifts the conversation from an interrogation of Gentile depravity to the sexual proclivities of Jewish widows. Bestiality can no longer be understood as the exclusive province of non-Jews; Jewish widows too are implicated in such animal urges. Later in the sugya, when the editorial voice insists that Sinai neutralizes the taint that Eve introduced into the human makeup, ambivalence with regard to Jewish women persists because there is a strong association between Eve and women generally in the rabbinic imagination, and because it is unclear to what degree the women of Israel participate in the Sinai event.

The question of whether Jewish women can be considered full participants in the Sinai covenant emerged as a central concern of the Jewish feminist movement in the 1970s and 1980s, as feminist scholars such as Judith Plaskow and Rachel Adler brought a feminist lens to the biblical story.[67] Plaskow and Adler point out that while the biblical text presumes a male audience, the women of Israel are not clearly and deliberately excluded from the narrative of the revelation of Sinai, nor from the content of the laws that are revealed. In the biblical accounts, the presence of women is presumed, though they are not directly addressed, and it is this very invisibility, this presence that is also an absence, that adds to the ambiguity of the Jewish woman's status vis-à-vis the covenant.[68] Similarly, in our sugya, the editors do not explicitly address where Jewish women fall in relation to the

borderline that separates Jews from Gentiles. Having already insinuated Jewish women's bestial impulses, the text's silence on whether it is the snake or Sinai that defines their sexual drives becomes all the more striking. It is from this silence that the question of women's participation in the covenant of Israel arises.

If the opening sugya's silence on the ambiguous status of Jewish women were the last word, it would be arguable that what I have identified as a theme of the sugya is actually an imposition on the text, a critique from outside rather than a literary element of the sugya itself. As it happens, however, the question of Jewish women's membership within Israel that emerges obliquely in the opening sugya is explicitly addressed later in the chapter in several different ways. It is first articulated on page 27a in the context of a legal discussion of whether Gentiles may circumcise Jews. Here, the Bavli identifies Jewish females as a class that evades the usual legal and linguistic categories: Jewish women are identified as "Israel" though they are not circumcised.[69] Later, on page 30a, the editors focus on Jewish widows in particular, developing a comparison between widows and non-Jews. Finally, on page 39a, the editors engage a related question: To what degree can rabbis' wives and widows be trusted to maintain their husbands' religious standards for their households? I briefly consider each discussion in turn.

On page 27a, the ambiguous status of Jewish women with regard to the covenant of circumcision leads to a dispute about whether Jewish women are permitted to circumcise their sons. There are two traditions regarding the scriptural basis for prohibiting Gentiles from circumcising Jewish boys, and both are connected to the biblical story in which Abraham is first commanded to circumcise his sons. Daru bar Papa says in the name of Rav that the source for the prohibition is in Genesis 17:9. There, God introduces the commandment of circumcision with the words "And as for you, you will keep my covenant, you and your offspring after you for generations." Rav reads this verse's emphasis on "you" as stipulating that only those who are themselves subject to the covenant of circumcision may perform circumcision for others. Rabbi Yoḥanan points instead to Genesis 17:13, reading the doubling of the root meaning "circumcision" in the phrase "let him surely be circumcised"—המול ימול—not as a feature of biblical Hebrew grammar,[70] but rather as an indication that only those who are circumcised may perform circumcision: "(Only) the circumcised circumcise." As the Gemara is quick to point out, the two derivations of the

prohibition lead to practical differences in the application of the law, because "covenanted" and "circumcised," though largely overlapping terms, denote different groups of people: Arab men are circumcised, but not parties to the covenant of circumcision. Conversely, a Jewish boy who is exempted from being circumcised because his brothers died as a result of the procedure is nonetheless a party to the covenant. It is in the course of explicating the exceptional case of this uncircumcised Jewish male that the Bavli introduces yet another ambiguous case—the Jewish woman:

> Is it really the case that he [a Jewish man who was never circumcised because his brothers died during the procedure] would not count [as being permitted to circumcise] according to the one who says the rule is based on "the circumcised circumcise" (המול ימול) (Gen. 17:13)?
>
> Does it not say in our Mishna: "Regarding one who takes an oath that he will not derive benefit from anyone who is circumcised: He is prohibited from deriving benefit from uncircumcised [Jews], and permitted to derive benefit from those who are circumcised from the other nations of the world."
>
> Therefore: Even though he is not circumcised, he is similar to those who are circumcised [and thus falls within the category of the "circumcised"].
>
> Rather, this is the practical difference between the two derivations of the prohibition on Gentiles performing circumcision: Woman.
>
> For the one who said the derivation is from "And as for you, you will keep my covenant" (Gen. 17:9), she is *not* included, for a woman is not herself subject to the covenant of circumcision.
>
> For the one who said the derivation is from "the circumcised circumcise" (Gen. 17:13), she *is* included, for a woman is similar to one who is circumcised.[71]

In this passage, the editors seek to define exactly where the practical difference between the two derivations of the prohibition on Gentiles performing circumcision lies. Is there a circumstance that would be permitted according to one biblical verse, and prohibited according to the other? The passage above opens with a challenge to the proposition that uncircumcised Jewish men fall between the categories in this way. Though it would seem that these males would indeed be excluded from the class of the "circumcised," on the basis of a baraita drawn from m. Nedarim 3:11, the Bavli redefines the class of people called "the circumcised" to include not only those who literally have circumcised penises, but also those "who *are similar to* the circumcised." In literary terms, the Bavli here guides us to read "the circumcised" as a metonym, a figure of speech based on association

and relation that is not to be taken literally.[72] The semantics of "the circumcised" have shifted, so the term no longer denotes a physical state of the body.[73] It is this reading of the term "circumcised" that then becomes the basis for the Bavli's identification of woman as the exceptional case where the conflict between the two derivations of the law makes a practical difference.

According to one school of thought, Jewish women are prohibited from performing circumcision, because they, like Gentiles, are not parties to that covenant. The argument here is that in the verse "And as for you, you will keep my covenant, you and your offspring after you for generations" (Gen. 17:9), the "you" does not address women, because the commandment to be circumcised is not directed to them. According to this line of reasoning, what differentiates the Jewish woman from the uncircumcised Jewish male is that although he might be exempted from the commandment for health reasons, the commandment is nonetheless addressed to him; she, however, is altogether excluded, and therefore prohibited from performing circumcision. According to the other school of thought, however, Jewish women are permitted to perform circumcision as members of the class of people called "circumcised." This thinking is based on a particular reading of the phrase "the circumcised circumcise" (Gen. 17:13), in which "circumcised" is not an adjective to be taken literally, but rather an appellation synonymous with "Israel." The two derivations of the prohibition thus point in two different directions. According to one derivation, women—like Gentiles—are prohibited from performing circumcisions. According to the other derivation, women are permitted to perform circumcisions on the basis of their membership in the community of Israel.

Through this exercise in legal reasoning, the Bavli addresses how the very language of Jewish-Gentile difference conveys the ambiguous status of Jewish women. A world partitioned between the "foreskinned" (*ʿarelim*) and the "circumcised" (*mulim)* is a world in which women are rendered invisible. Women, as a class, evade this schema of categorization. Here, the Bavli confronts the problem that is only tacitly conveyed by the opening sugya—Jewish women fall between the categories of "us" and "them." In this passage, the Bavli makes an effort to disambiguate, fixing the boundaries between groups in clear and practical ways. The effort only underlines the liminal status of Jewish women, however, because while they are included in the law according to one opinion of its scriptural derivation, they

are excluded according to the other opinion. In some ways, Jewish women are more like Gentiles than Jews, but in other ways, they are considered full members of the Jewish people. Ironically, the moment in which the Bavli is most embracing of women in terms of practical law, affirming their membership in the Jewish people, is the very moment in which their otherness, their abnormality, is most on display. In proposing that the term "circumcised" be understood as a synonym for "Israel," the Bavli simultaneously affirms the inclusion of women and reinforces maleness as the norm for Jewishness, naming the entire class of Jews after the circumcised members that only half the membership possesses.

Later in the chapter, on page 30a, when the Bavli's discussion once again circles back to the ambiguity of Jewish women's status, the focus is on widows in particular. As the editors develop a comparison between Jewish widows and Gentiles, the confluence between the two groups is subtly reinforced again through language, as a distinctive moniker for "pagan"—"*ʾArama'a*" (ארמאה)—is coupled with the similar-sounding designation for widow, "*ʾarmalta*" (ארמלתא). In the following, I transliterate the two terms so as to convey the extent of the wordplay. The passage relates to a topic I examine more closely in Chapter 3, the problem of exposure (*giluy*); this refers to beverages that have been left uncovered, raising the possibility that they might have been polluted by snake venom:

> Rav would not drink from the house of an *ʾArama'a*. But he would drink from the house of an *ʾarmalta*. He said: She holds onto the habits of the husband.
>
> Shmu'el would not drink water from the house of an *ʾarmalta*. He said: Having no fear of a husband, she will not cover the water. But from the house of an *ʾArama'a*, he would drink, for even if they are not careful about exposure, they are nonetheless careful about cleanliness.
>
> Alternatively, there are those who say: Rav would not drink water from the house of an *ʾArama'a*, but would drink from the house of an *ʾarmalta*, while Shmu'el would not drink water, not from the house of an *ʾArama'a*, nor from the house of an *ʾarmalta*.[74]

Here, tradition treats non-Jews and Jewish widows as a matched pair. Formally, this comparison is conveyed through chiastic inversion, as Rav's positions with regard to the safety of their respective stores of drinking water are the precise inverse of Shmu'el's: Rav will drink from Jewish widows but not from pagans, while Shmu'el will drink from pagans but not from widows. The symmetrical treatment by

these two authorities—themselves regarded by tradition as a matched pair—reinforces the association of widows with non-Jews. Their affiliation is further reinforced linguistically, through the assonance and alliteration that link *ʾArama'a* and *ʾarmalta*. The prosodic association forged by the shared sound pattern comes through especially strongly in the alternative tradition in which the terms follow fast upon each other twice in quick succession. *ʾArama'a* is a somewhat unusual word with which to designate non-Jews,[75] and this reinforces my sense that it is employed for literary effect, advancing the association of Jewish widows with Gentiles that was first introduced in the opening sugya and that runs through this chapter as a whole.[76]

In the opening sugya, though Jewish women as a class are implicated through their association with Eve, it is widows in particular who are addressed in Rav Yosef's dictum. Why are widows in particular singled out? In the context of the opening sugya, the implication is that they—unlike married women—have no regular sexual outlet, and are thus more vulnerable to bestial impulses. And unlike maidens, they are not under the authority of the father, either. Our present passage suggests, however, that there might be more to it than that. Compared to a woman living in the household of her father or her husband, a widow has far greater autonomy in governing her kitchen and other aspects of ritual life. Widows' special circumstances as women who live independently of men make them especially helpful to think with.

The rationale that Rav provides for trusting the safety of widows' drinking water is that widows maintain the practices of their late husbands. Shmu'el, on the other hand, opines that absent the authority of a husband, widows will relax proper household standards. It is important to note that despite the practical difference between them, Rav and Shmu'el are perfectly in accord with regard to the (un)trustworthiness of Jewish women: on their own, Jewish women are not to be trusted. To the degree that Jewish women can be presumed to maintain their households in keeping with Jewish law and hygiene standards, it is their husbands who are credited with safeguarding Jewish standards. For both Rav and Shmu'el, Jewish husbands function as the thin blue line, hemming in the transgressive tendencies of Jewish women. The Bavli only equivocates with regard to whether the imposition of the husband's rule of law can be presumed to extend beyond his lifetime. On 27a, we saw a formal legalistic rationale for Jewish women's resemblance to Gentiles from the perspective of

Jewish law; here, the editors indicate a deeper confluence between Gentiles and Jewish women. While Jewish women might be trained to maintain Jewish standards, their propriety will always be an expression of habit or submission rather than a direct engagement with commandments. In some profound way, the law qua law does not address Jewish women.

As the talmudic chapter continues to unfurl, it picks up this same line of reasoning once more, on page 39a: "Thus did Shmuʾel teach: The wife of a rabbi is as a rabbi. We learned this in the Mishna, for the rabbis taught: The wife of a rabbi is as a rabbi. The daughter of a rabbi is as a rabbi. The slave of a rabbi is as a rabbi. When a rabbi dies, his wife, his children, and the people of his household are presumed [to maintain the rabbi's practice] until they give cause for suspicion."[77] The topic here is whether members of rabbis' households can be relied upon to sell foodstuffs and *tekhelet* (the blue dye for ritual fringes) in keeping with the strict standards of the rabbis themselves. Shmuʾel affirms that the authority of a rabbi extends to his whole household, a principle that is conveyed by tannaitic tradition as well. The baraita exceeds Shmuʾel's teaching in affirming that even after a rabbi dies, his widow and the surviving members of his household can be presumed to continue to maintain his practice and standards. (This accords with Rav's approach to a widow's drinking water on 30a above; Shmuʾel is the one who is dubious about the persistence of a husband's influence after death.) As the passage continues, it becomes clear that the force of the Bavli's argument is not to make a case for the trustworthiness of widows, but rather to convey the extent to which women's religious and moral comportment comes under the sway of their husbands. The unit concludes with the following story: "There was a woman who was married to a rabbi, and would fasten his tefillin onto his arm for him. When she married a tax collector who was an *ʿam ha-ʾaretz*[78] [after the rabbi's death], she would fasten the tax collector's knots to his arm."[79] While it is unclear what "the tax collector's knots" are, the implication of the story is clear: a woman's piety is only as deep as her husband's influence, or, put a bit more positively, a woman's piety is turned to her husband. The same woman who comported herself with righteousness as the wife of a rabbi swiftly turned to the unsavory pursuits of her new husband, and with equal ardor. The story depicts the Jewish wife as an adjunct or accomplice to her husband's actions rather than as an agent of her own religious commitments.

In the accumulation of discussions about the religious behavior of Jewish wives and widows, a coherent picture begins to take shape. Jewish women have a peculiar relationship to Jewish law, and it sets them apart both from Jewish men and from non-Jewish people. Like Jewish men (and unlike Gentiles), Jewish women participate in the performance of commandments and are considered members of Israel on that basis. However, Jewish women's relationship to Torah comes at one remove, because it is mediated by their husbands who serve as the religious authorities for their households. In this sense, Jewish wives and widows can be seen as adjuncts to the covenant rather than as direct participants. A wife lives fully under the sway of the commandments, but her relationship to Torah is contingent and indirect, and so her separation from non-Jewish life is only partial.

The chapter's recurrent engagements with the topic of Jewish wives and widows can help us flesh out the editors' vision of human nature and of Jewish-Gentile difference. In retelling the story of Eve and the snake, the opening sugya suggests that a voracious sexuality—the heritage of a serpent-stepfather—characterizes all people until Torah intervenes in the lives of an elite few. In this vision, Sinai wedges itself between the covenanted minority and all the rest of creation, interrupting the supremacy of animal impulse among Jews alone. For Jewish females, however, the intervention of Torah is apparently less thoroughgoing than it is for males. So long as a Jewish woman is married, her husband's rule imposes order in her household and holds her unruly appetites and impulses in check. But though the Jewish wife's marital status separates her from the rest of humanity, constitutionally she remains as close to the animals as the Gentiles are; that is why in her widowhood, the special distinction of her Jewishness all but disappears. Widows wear the crown of Torah even more lightly than other Jewish women do, and so they resemble non-Jews the most. The special circumstances of the Jewish widow offer an instructive case study in how the editors of this chapter construct Jewish difference. Whether the editors are explicating the distinction between men and women, or constructing the boundary between Jews and Gentiles, Torah emerges as the important difference between groups.

ANIMAL HUSBANDS (AZ 36B)

According to a Bedouin folktale recounted by Dina Stein, the reason that human habitations continue to be plagued by violence and

disorder is because of an original act of bestiality in biblical times.[80] In the folktale, Noah and his family emerge from the ark, and they immediately recognize that the Flood has made for a shortage of human females. While Noah has three unmarried sons, he only has one daughter. To meet this demographic crisis, Noah enchants both his female dog and his female donkey, making the two animals appear exactly like his daughter. Noah's three sons marry the triplets, never knowing which bride is human and which are animal. According to the folktale, any discord within a human household until today is a sure sign that the mistress of the house is not a real woman but rather belongs to a race of dogs or donkeys that traces back to Noah's magic trick. As fanciful as this story may seem, Stein argues that it is built on the same deep structures that undergird the biblical story of Noah. In her reading, the biblical myth is centrally concerned with upholding the partitions between the divine, human, and animal realms, and that's why the Flood comes as a consequence of sexual liaisons between humans and divine beings in the antediluvian world. The folktale expresses the unmentioned but ever-present threat of bestiality that lurks in Genesis's account of species jostled together in the ark's tight quarters, and exposes the failure of the ark experiment to reorder humanity.[81] According to the story, strange pairings continue to beset the inhabited world, because humanity persists in ignorantly intermarrying with animals.

There are striking points of comparison between how the suspicion of bestiality functions in the folktale and in our talmudic chapter, but it is the differences that I find most illuminating. Both accounts are centrally concerned with partitioning human society, and both use animals to cast aspersions on whole groups of people. Both trace human faults and frailties to original acts of bestiality—between Eve and the serpent in our sugya, and between Noah's sons and his animals in the folktale. Though both the folktale and the talmudic chapter associate women with animals, they do this in different ways: While the Bavli accuses women of wanting to sleep with animals, the folktale insinuates that two-thirds of the world's women are actually animals in disguise. This difference is significant because it corresponds to two different outlooks on the nature of human-animal difference. Within the realm of the folktale, to be human is to be good, and to be animal is to be bad, and the distinction between humans and other animals is so stark that it can only be traversed through an initial act of magic. This means that for the teller of the folktale,

the infiltration of human households by animals is a curse that cannot be overcome. For the editors of the Bavli, however, animality and humanity exist on a continuum, and while sexual liaisons between humans and animals are abhorrent, they are not exceptional. All humans are part-beast, and helping Jews to overcome their inherent animal nature is the precise task of Torah. The black-and-white world evoked by the folktale provides an instructive contrast to the spectral subtleties of the talmudic chapter, where even the nastiest degradations of women and Gentiles nonetheless acknowledge commonalities and continuities among all people and animals.

I propose that even as the talmudic editors use animal invectives and accusations of bestiality to debase Gentiles and women, the distinction that they claim for Jewish males is best understood as a difference of degree, not a distinction in kind. According to the passages we have now examined, what Jewish women and Gentiles share in common with animals is manifested in their sexual impulses and their general disregard for the limits and safeguards imposed by law. There are hints within "ʾEyn Maʿamidim" that Jewish men are not immune from these tendencies, and that it is only the intervention of Torah that restrains their animal drives and sets Jewish men apart. On page 36b, a passing reference to the need to protect Jewish boys from sexual temptation suggests that the editors' insistence on Jewish male superiority belies their deep anxiety about the sexual drives that Jewish males share in common with others.

Though the tradition in question is brief, it presumes a store of knowledge about the biblical laws of impurity and how the rabbis understood them.[82] According to the Bible, Israelites can contract ritual impurity in a number of ways, and, having been contaminated, they are precluded from participating in ceremonial life until they meet certain requirements, including the passage of time and set ritual procedures. Scale disease, menstrual blood, and other genital fluids are sources of impurity, as is exposure to a dead body. Contemporary scholars debate the degree to which the laws of impurity had any practical force in the rabbinic community, since the destruction of the Temple ended both the need for and the possibility of purifying rites.[83] In the following tradition, a Babylonian Amora of the fourth generation, Rav Naḥman bar Yitzḥak, reports an ancient tradition that the disciples of Shammai expanded the laws of impurity by rabbinic decree. His report is cited in the midst of a discussion about the rabbinic prohibition on Gentile wine, another injunction that some

attribute to the disciples of Shammai:[84] "Rav Naḥman bar Yitzḥak said: They decreed regarding a Gentile child that he has the ritual impurity of a gonorrheic so that a Jewish child will not frequent his place, and he will not be able to train him in homosexual sex."[85] This tradition asserts that ancient rabbis expanded the laws of impurity with one goal in mind, to engineer social distance from Gentiles. According to Rav Naḥman, early rabbis discerned a real threat in the prospect of intimacy among Jewish and Gentile boys. They feared that familiarity would breed sexual attraction and homosexual liaisons. According to biblical law, contact with Gentiles is not a source of impurity, even when they do have genital emissions. Nonetheless, the laws of impurity offered early rabbis a structure for imposing distance between Jews and Gentiles, ensuring that their ruling would have some teeth. Rav Naḥman explains that the arbitrary assignment of gonorrheic status to Gentile boys was a tactic for distancing Jewish boys from their Gentile peers, preventing the friendly intimacy that could lead to affection and attraction among the boys, and also precluding opportunities for homosexual trysts.

Rav Naḥman's report, brief though it is, encapsulates an internal tension in the Bavli's depiction of Jewish-Gentile difference that runs through this chapter as a whole. On the one hand, the ruling that non-Jewish children are impure from infancy is an assertion of non-Jews' otherness; on the other hand, the ruling's rationale intimates that Jews and non-Jews are not really so different after all. The ruling and its rationale thus express opposing principles of repulsion and attraction with regard to non-Jews. First, let's briefly consider the principle of repulsion: in associating Gentile children with gonorrheic emissions, the ancient rabbis not only legislate social distance, they encourage an attitude of contempt and revulsion. To be sure, a legal-formalist would point out that the early rabbis surely were not suggesting that Gentile children actually experienced genital symptoms, but were merely invoking the statutory category of the gonorrheic, a relatively mild category of impurity. From a literary perspective, however, the association of non-Jewish boys with genital eruptions is especially potent because it resonates with degradations of non-Jewish males elsewhere in this chapter, reinforcing the image of the Gentile male as oversexed, lascivious, and grossly carnal. (Remember the Gentile copulating with a goose and then roasting and eating it?) Rav Naḥman's tradition carries this whole body of repellant associations from grown men to boys, disrupting any sense of sympathy that

a child's innocence and vulnerability, whatever his background, might elicit. The juridical intervention of the early rabbis is thus fortified by their powerful suggestion that non-Jewish difference is inborn, and that Gentiles are depraved from childhood. This is a harsh expression of the otherness of Gentiles, to be sure.

And yet, alongside this insistence on otherness is a striking intimation that the real concern with non-Jewish boys is not their difference from Jews, but their sameness. Through the imposition of Gentile impurity, the rabbis aim to prevent regular interactions between Jewish and Gentile children. In their imagination, familiarity does not breed contempt, but its opposite; they draw a direct line from familiarity to attraction to homosexual sex. On one level, this can be understood as an expression of concern about the corrupting influence of non-Jews—they are lascivious and dangerous, and Jewish boys must be protected from them. Such a reading does not quite account for the specificity of the rabbis' concern, however—the rationale Rav Naḥman provides is not that Gentiles will teach Jewish boys to sleep with prostitutes or with animals, or to steal, kill, or worship idols, but rather that they will have sex together. The fact that Jewish boys must be separated from Gentile boys means that they are subject to the same sexual drives and capable of the same sexual acts as their counterparts. The specific mention of homosexual sex emblematizes the problem of sameness, and suggests a certain parity between Jews and Gentiles. In much the same way that accusations of bestiality in the opening sugya are suggestive of an affinity between non-Jews and animals, here the specific mention of homosexuality bespeaks an affinity between Jewish and Gentile boys. The species of sex act is not incidental; it cuts to the heart of rabbinic fears. It suggests that the editors understand the whole complex of laws segregating Jews from Gentiles as the imposition of difference where none inheres. According to the rationale that Rav Naḥman provides, the reason early rabbis had to step in and separate Jews from Gentiles is not that Gentiles are so threateningly different from Jews, but on the contrary, because they are so much the same. Subject to the same drives, inhabiting the same bodies, sharing the same common animality, Jewish males—like Jewish females—are indistinguishable from Gentiles until Jewish law intervenes.

In Rav Naḥman's statement, as in this chapter as a whole, degrading characterizations of non-Jewish otherness coincide with subtle intimations that there is no essential difference between Jews and

non-Jews. I read this push-and-pull throughout the chapter as an expression of a worldview in which the human condition is largely indistinguishable from the lot of the rest of animal life, and it is the distinctive function of Torah to elevate its adherents, separating them from a beast-like existence. To be sure, the vividness and vociferousness with which the editors depict Gentile depravity all but overpower their restrained acknowledgment of a common humanity. In emphasizing these modest acknowledgments of a shared human condition, I do not mean to apologize for the prevailing messages of misogyny and xenophobia, but rather to more aptly characterize how the chapter expresses a coherent anthropology, despite the diversity of attitudes it brings together. In my reading, the insistence with which the editors pursue their denigrations of women, Gentiles, and animals is part and parcel of their self-identification as purveyors of Torah. According to the worldview I have sketched out, Jewish difference is not a given. The editors see Jewish distinction as hard-won, not to be taken for granted, and the ardor with which they assert their own superiority participates in the task of promoting Torah as the sieve which separates the wine from the dregs. The superiority the rabbis claim for themselves expresses their exclusive regard for Torah as an ultimate value.

It should be clear by now that in choosing animality as the overarching figure with which to characterize the human situation, the editors of this talmudic chapter were not expressing a high regard for animal life, or promoting the network of connections and dependencies that link humans to other species. The abjection of animals that infiltrates so much of Western thought is very much present in this chapter, where the distinction that Torah affords Jewish males is their remoteness from the animality that characterizes both women and non-Jews. This double-move of imputing animality to others while denying it in oneself is aptly described by Martha Nussbaum, who adopts a coinage of primatologist Frans de Waal—"anthropodenial"—to describe the distinctly human tendency to deny that we are animals.[86] Nussbaum points out that when strangers are vilified as animals, xenophobia and the disavowal of the animal become mutually reinforcing. Even more pernicious is the way anthropodenial so often leads to violence against women. As Nussbaum theorizes, "It's not enough to turn away from our own animality in revulsion: people seem to need a group of humans to bound themselves off against, who will come to symbolize the disgusting, the merely animal, thus bounding

the dominant group off more securely from its own hated and feared traits. The underlying thought appears to be, 'If I can successfully distinguish myself from those animalistic humans, I am that much further away from being merely animal myself.'"[87] The Bavli certainly participates in some of these tendencies, as its characterization of both Gentiles and women makes clear. But I have tried to demonstrate that the denigration of animals and of other people is only part of the story of how "ʾEyn Maʿamidim" engages animals. While the editors of this chapter are bothered and even shamed by their similarities with other animals, this common heritage is not denied so much as resisted through the construction and reinforcement of statutory and social boundaries. Rabbinic law intervenes to separate Jews from Gentiles because for these rabbis, there is no difference between Jews and Gentiles outside of the law. The elaboration of laws of social and sexual segregation is a strategy for imposing differences that the Bavli editors here acknowledge do not inhere in nature.

Through close reading of selected passages from "ʾEyn Maʿamidim," I have tried to show that the theme of animality is centrally important to the talmudic editors' construction of the human being. While to a large degree, the anonymous editorial voice and the earlier rabbinic voices it cites are implicated in the disavowal of the animal in Jewish men, their disavowal is incomplete. The rabbis reveal themselves to be animal husbands in every sense: they own, eat, and trade in animals; they are married to animals; and they are animals themselves. While Gentiles and Jewish women are denigrated for their kinship, attraction, and similarity to animals, the Bavli does not so much deny that Jewish men are animals as emphasize the effectiveness of Torah in exalting Jewish men above their animal natures. Torah is the barrier separating Jews from others. Not only does this mean that there is no ontological difference between Jews and other people,[88] it also means that the constitution of Torah has profound implications for the constitution of the Jewish people, an issue that will come to the fore later in the talmudic tractate.

We have seen that throughout "ʾEyn Maʿamidim," the talmudic editors appeal to gender and species hierarchies to frame their discussion of differences and commonalities among Jews and non-Jews. It remains for me to demonstrate one of my central claims, that the array of themes introduced in the opening sugya recurs throughout the talmudic chapter as a whole. So far, I have examined just two of these: the theme of animality and the liminal status of Jewish wives

and widows. Among the other elements that unify this talmudic chapter are a recurring snake motif and the theme of secrecy and exposure. Turning now to the Bavli's discussion of the prohibitions on Gentile wine and food, I show how all these elements remain prominent as the talmudic chapter unfolds. Together these themes reveal the inherent difficulty in erecting boundaries between Jews and Gentiles: despite the social segregation imposed by Jewish law, some semblance of attraction always slithers through.

CHAPTER 3

Leaky Vessels

. . . "Good fences make good neighbors" . . .
"Why do they make good neighbors? Isn't it
Where there are cows?
But here there are no cows.
Before I built a wall I'd ask to know
What I was walling in or walling out,
And to whom I was like to give offence.
Something there is that doesn't love a wall,
That wants it down." . . .

—Robert Frost, "Mending Wall"

MIXED DRINKS AND METAPHORS

In this chapter, I examine a particularly difficult area of Jewish law, the strictures governing the use of wine belonging to non-Jews. The topic of *yeyn nesekh*—literally, "libation wine"—not only dominates the second half of "ʾEyn Maʿamidim," which is my focus here, but also emerges as the driving preoccupation of AZ as a whole, engaging much of the tractate's final two chapters, "Rabbi Yishmaʿel" and "Ha-sokher ʾet Ha-poʿel" as well. Here, I confront two abiding conundrums of halakhic tradition: What is so threatening about Gentiles' wine, and why does it loom so large in Tractate ʿAvoda Zara?

The preoccupation with Gentiles' wine is not an innovation of the Bavli, but rather began with the Mishna. Recent scholarship remarks upon the obsessive quality of the Mishna's discussions about wine, noting that while this tractate is named for *ʿavoda zara,* idolatry, prohibitions apply to any wine that non-Jews produce, touch, or even have access to, whether or not the wine has in fact been used for idolatrous libation. What accounts for wine's potency as the source of such overriding anxiety? What is it about wine that makes it eclipse all other concerns about idolatrous practice? The task I set for myself in

this chapter is not to account for the Mishna's inordinate attention to Gentile wine, but rather to identify and describe the distinctive ways in which the Bavli editors account for it. Building on my argument in the last chapter, I demonstrate how the Bavli interprets the strictures on Gentile wine within the context of "ʾEyn Maʿamidim"'s overall engagement with animals, animality, and the nature of Jewish-Gentile difference. Together, these two chapters demonstrate the literary unity and conceptual coherence of "ʾEyn Maʿamidim." While literary analysis alone cannot penetrate all the mysteries surrounding the laws of Gentile wine, it can help us uncover some important aspects that are otherwise obscured.

In Chapter 2, I suggested that the recurring motif of animals throughout "ʾEyn Maʿamidim" conveys the editors' understanding of continuities linking Jews and non-Jews to other animals, in their materiality, sexuality, and impulsiveness. According to this rabbinic anthropology, the important difference that distinguishes Jews from others is their embrace of Torah and their submission to Jewish law. Animality and law thus emerge as antipodes, and I read the whole of this talmudic chapter as an exploration of these two poles of human experience. The beginning of "ʾEyn Maʿamidim" gives vivid expression to the animal aspects of human experience, and then, with the turn to laws governing the use of Gentiles' wine and food, the end of the chapter delves into the making and keeping of law as the quintessential rabbinic pursuits. Recurring motifs of widows, snakes, and secrecy—all introduced within the opening sugya—effectively knit "ʾEyn Maʿamidim" into a unity, ensuring that we understand the explication of rabbinic legal activity within the context of a broader conception of what it means to be a human animal, the overarching theme of the talmudic chapter as a whole.

Legal reasoning and literary expressiveness meld in the Bavli's treatment of yeyn nesekh as both an instantiation of and an emblem for rabbinic law. My account of how these two discursive modes come together is informed by the law and literature movement, an interdisciplinary approach that investigates the broad range of connections between law and literature.[1] While most law and literature scholars move between disciplines and between textual corpora, bringing legal documents into communication with novels and poetry, literary expression and legal argument are intertwined in the context of talmudic literature. Here, I endeavor to demonstrate the artistry with which the Bavli editors deploy such literary features as recurring

motifs, narrative, and metaphor. It is this well-wrought craftsmanship that invites and rewards literary analysis, even of those passages that present themselves as mere reports of legal opinion or as abstruse legal arguments. As I show here, the same texts support simultaneous readings as legislation and as figuration, so that generic distinctions between the legal and the literary cannot be located in the text but only in the interpretive stance of the reader.[2] Thus, the wine vessels that appear in the Bavli's discussions can be read both as actual containers addressed in rabbinic rulings and as metaphors for the effectiveness of Jewish law in maintaining—"containing"—the separateness of the Jewish community. In this chapter, law is implicitly compared to a wall, a hedge, and a vessel for wine. Interpreting these figures means asking the poet's questions: What is being walled in? What is being walled out? However, unlike a metaphor in a poem, in the talmudic discussion the figurative interpretation doesn't replace a literal reading but supplements it. In all of these examples, the subject is not just The Law, but also *a* law, and the images are not simply figures but also real objects addressed by particular statutes.

Within "ʾEyn Maʿamidim," the literary and the legal dissolve into each other. To appreciate the potent mixture that the Bavli serves up, it is necessary to first sample the Mishna's treatment of yeyn nesekh and the mix of narrative and law in this more ancient work. A survey of recent scholarly treatments of Mishna ʿAvoda Zara (henceforth, m. AZ) provides a foundation for my investigations of the Bavli's innovations. Following the treatment of the Mishna below, I organize my readings of the talmudic materials under two signs, Snakes and Secrets. Both of these motifs were introduced in the opening sugya of "ʾEyn Maʿamidim," and both run through the chapter's discussions of the prohibitions on Gentile wine. Together they illustrate the furtive genius of AZ's anonymous editors.

MISHNA ʿAVODA ZARA: WHAT THE TANNAʾIM SAY (AND DON'T SAY) ABOUT GENTILE WINE

Much of the recent scholarship on m. AZ begins by remarking upon the dramatic difference between biblical and rabbinic attitudes toward idolatry and the people who practice it. Biblical law not only prohibits Israel from engaging in a whole range of practices it identifies with idolatry, it requires Israelites to utterly destroy idols when they come upon them. The Mishna, however, presumes that Jews inhabit a

world filled with idols. M. AZ calls on Jews simply to distance themselves from idolatry, and to avoid benefiting from idol worship at all costs. Scholars have accounted for this shift in different ways. In Seth Schwartz's view, the attenuation of the biblical precept reflects the rabbis' realpolitik—the Jews of Roman Palestine were in no position to destroy the deities of their rulers, and so they had to make accommodations to survive as a powerless minority as best they could.[3] In contrast, Moshe Halbertal argues that the shift reflects a principled change in outlook; in his view, the innovation in rabbinic law results from a concerted effort on the part of the rabbis to create a common "neutral" space where Jews could interact with a broader, non-Jewish society.[4] However we understand the rabbis' shift toward greater liberality, one interpretive conundrum remains: against this background of accommodation and/or integration, what accounts for the severity of tannaitic prohibitions on the use of Gentiles' wine?

This is the precise question Noam Zohar addresses, and he seeks to account for the Mishna's strictures with regard to wine by offering a structuralist reading of m. AZ.[5] Citing Halbertal, he characterizes m. AZ as dominated by two twin impulses, in the main: on the one hand, a concerted effort to distance Jews from the core practices of idolatrous worship; on the other, a wide berth for Jews to pursue social and economic interactions with non-Jewish neighbors. But then, Zohar notes, there is an abrupt shift: beginning with the middle of m. AZ chapter 4 ("Rabbi Yishmaʿel"), Gentiles are portrayed as lying in wait, determined to surreptitiously dedicate Jewish wine to idolatry.[6] To account for this shift, Zohar revisits Halbertal's description of how the Mishna aims to cultivate a neutral domain in which Jews can peacefully interact with their Gentile neighbors, and argues that what seems at first like a stark change in attitude toward Gentiles is in fact the flip-side of the liberalism that characterizes the majority of the tractate. For Zohar, the Mishna's openness to interaction with Gentiles in neutral public spaces entails its correlative: a watchful, protective stance in the private realm where ritual takes place.

Zohar argues that the Mishna's apparent alarm regarding the threat of Gentile libation does not reflect any behavior that rabbis observed in pagan life, but is rather a projection of the rabbis' own behaviors and values onto non-Jews. The special strictures relating to wine, Zohar explains, are a measure of wine's centrality to *Jewish* ritual. In Zohar's account, the Mishna's prohibitions on Gentiles coming into contact with wine are part and parcel of a coherent approach

to Jewish-Gentile relations that upholds strong boundaries between public and private and between the secular and the sacred. Wine is the currency of sacredness in the rabbinic imagination, and for this reason it must be cordoned off from the profane realm where Jews and Gentiles pursue social and economic relationships. Zohar concludes that what at first looks like a shift within m. AZ is in fact internally consistent: strict protection of the sacred does not conflict with Jewish participation in the marketplace, but is rather its precondition.[7]

Zohar's insightful cultural analysis lands him in very good company among anthropologists like Mary Douglas, who identify drinking practices as constitutive of social life across diverse cultures.[8] Anthropologists report that it is not just rabbinic Jews who are vigilant about sharing their alcohol. According to Dwight Heath, "the drinking of alcoholic beverages tends to be hedged about with rules concerning who may and may not drink how much of what, in what contexts, in the company of whom, and so forth. Often such rules are the focus of exceptionally strong emotions and sanctions."[9] Increasingly, drinking alcohol has come to be appreciated among anthropologists as a special realm that serves as a crucible for identity and culture.[10] The anthropological evidence thus buttresses Zohar's suggestion that the Mishna's laws surrounding wine are integral both to the construction of Jewish identity and to the negotiation of social boundaries. Zohar offers a compelling account for how the laws of Gentile wine function within rabbinic culture.

In my view, Zohar's account delivers both more and less than the literary analysis he promises. Analyzing the laws of Gentile wine in terms of their social and cultural functions goes a long way toward accounting for the intensity and extent of the Mishna's engagement with the topic. The compulsion to keep non-Jews at a distance from wine that seems so anomalous in the context of rabbinic writings would not, apparently, faze an ethnographer. But while the anthropological approach sheds light on the cultural work that these legal strictures achieve, it moves us away from the texts themselves. Though Zohar effectively abstracts a structure that rationalizes the laws of Gentile wine, it is important to note that the Mishna itself registers the difficulty that these laws present. Our first impression—that these laws defy rational explanation—is precisely the response that is modeled for us within the text of the Mishna itself. In the middle of m. AZ chapter 2, a catalog of prohibitions is interrupted by an extended story that takes the form of a dialogue between Rabbi Yehoshuʿa and Rabbi

Yishmaʿel. As an incisive analysis by Shlomo Naeh makes clear, the story confirms that contemporary readers' bafflement regarding the severity of these prohibitions is well placed.[11] Naeh demonstrates how the text of the Mishna uses narrative and scriptural citation to convey a sense of mystery and alarm. Analysis of this mishnaic story now will serve us later when we examine how the Bavli enlists the story and its themes for its own literary purposes.

The narrative appears soon after the Mishna turns its attention to the laws governing Gentiles' wine and other foodstuffs. These laws are divided into several categories. Some substances—like wine—are doubly restricted: Jews may neither consume them directly nor buy, sell, or otherwise benefit from them in any way.[12] Other substances are forbidden for eating but not for benefit.[13] Still others are altogether permitted.[14] The narrative interrupts this classificatory scheme when it registers Rabbi Yishmaʿel's perplexity regarding the prohibition of Gentiles' cheese:

> Rabbi Yehuda said:
>
> Rabbi Yishmaʿel and Rabbi Yehoshuʿa were walking along, when Rabbi Yishmaʿel asked Rabbi Yehoshuʿa a question, "For what reason did the rabbis prohibit the cheese of non-Jews?"[15]
>
> Rabbi Yehoshuʿa answered, "Because they curdle it in the stomach of a dead animal [which is not kosher]."
>
> Rabbi Yishmaʿel said to him, "But the stomach of a burnt offering is even more severely regarded than the stomach of a dead animal, and yet it was said that a priest with a healthy appetite may suck the contents of the stomach out [which would suggest that the status of the stomach itself should have no bearing on whether its contents may be eaten or not]!" . . .[16]
>
> Rabbi Yehoshuʿa said, "It is because they curdle it in the stomachs of calves used in idolatrous worship."
>
> Rabbi Yishmaʿel said, "If this is so, why did the rabbis not prohibit benefiting from this cheese as well?"
>
> Rabbi Yehoshuʿa diverted him to another matter, and said, "Rabbi Yishmaʿel, my brother, how do you read the verse: 'for your love (דודיך *dodekha* [masculine]) is better than wine' (Song 1:2) or 'for your love (דודייך *dodayikh* [feminine]) is better'?"
>
> He said, "'For your love (דודייך *dodayikh* [feminine]) is better.'"
>
> Rabbi Yehoshuʿa said, "That's not so, for look how the phrase's 'friend' guides our reading [in the continuation of the verse, where the masculine is used]—'the fragrance of your oils (שמניך */shmanekha* [masculine])' (Song 1:3)."[17]

In this story, Rabbi Yishmaʿel expresses his dismay about rabbinic strictures, arguing vigorously against the view of the majority, and

Rabbi Yehoshuʿa tamps down his protestations, evading Rabbi Yishmaʿel's pointed arguments. The story suggests that Rabbi Yishmaʿel's objections are in fact well founded: when Rabbi Yishmaʿel points out the weakness of Rabbi Yehoshuʿa's initial response, Rabbi Yehoshuʿa quickly changes course and offers an alternative explanation, as if his first answer is not even worth defending. When Rabbi Yishmaʿel points out that the second explanation is also problematic, Rabbi Yehoshuʿa quickly changes course once again. This time, he does not even venture to offer any kind of direct response, but rather attempts to distract Rabbi Yishmaʿel from the problem at hand, diverting him to a question of biblical interpretation. What the story effectively dramatizes is not so much a debate as a game of cat and mouse; though Rabbi Yishmaʿel seems eager to lock horns and engage in a forceful, reasoned exchange, Rabbi Yehoshuʿa seems far more interested in avoiding the substantive issues. Rabbi Yishmaʿel is depicted as a sharp but naive student who has stumbled into an area where his probing is clearly not welcome. Rabbi Yehoshuʿa is the knowing master, indulgent of his student's questions, but only to a point. He remains in control, so that in the end Rabbi Yishmaʿel's challenge is not answered but neutralized.

Why is Rabbi Yehoshuʿa so reluctant to engage? Is there indeed no good justification for the majority view? What precisely is at stake in this rabbinic debate about the prohibition on Gentile cheese? Shlomo Naeh's reading answers all these questions. He begins by laying out a broad legal framework for understanding the welter of laws prohibiting the food and drink of Gentiles. As he explains it, the prohibited substances fall into two main classes:[18]

1. Some substances are prohibited independently of their association with Gentiles, by reason of their proximity to idolatry, or to other prohibitions, like *nevela* (an animal that dies naturally) or *trefa* (meat from an unkosher animal, or from a kosher animal that is not slaughtered appropriately). Were these same things in the hands of Jews, they would also be prohibited. It is not their belonging to non-Jews that is the issue, per se, but rather the fact that they breach a biblical prohibition.
2. Some things are proscribed purely by virtue of their proximity to Gentiles. Were they in the hands of Jews, there would be no issue. As Naeh makes clear, this class of prohibition is not biblically ordained but a rabbinic injunction.[19]

According to Naeh, in probing the grounds for the prohibition of Gentile cheese, Rabbi Yishmaʿel is effectively asking whether cheese

belongs to Class 1 or Class 2. If the problem with Gentiles' cheese is its contact with idol worship, it is hard to make sense of the rabbis' ruling that it can nonetheless be bought and sold by Jews. But if idolatry is not the concern, it is hard to understand why cheese should be prohibited at all. If Rabbi Yishmaʿel's question hits a nerve, that might be because a related question could as easily be asked in relation to Gentile wine. Wine that is used in idolatrous libations—yeyn nesekh—is clearly prohibited by biblical law by virtue of its proximity to idolatry, and that is why the prohibition extends beyond consumption and includes all other benefits as well. But what are the grounds for prohibiting Gentile wine that is *not* used for idolatry? And why is the level of prohibition the same, regardless of whether the wine is implicated in idolatry or not? In Naeh's reading, Rabbi Yishmaʿel reacts to the logical inconsistencies that riddle this body of law, and Rabbi Yehoshuʿa responds to his precise difficulties, but he responds through a strategy of indirection.

Naeh proposes that what appears to be a diversionary tactic on the part of Rabbi Yehoshuʿa is in fact a response, in code, to Rabbi Yishmaʿel's core challenge. The key to the code is recognizing that the two halves of the dialogue are actually intimately connected.[20] Thus, when Rabbi Yehoshuʿa hits an impasse in accounting for the prohibition on Gentile cheese, his question about how to interpret the verse from Song of Songs engages the very halakhic question at hand, albeit in an oblique way. As Naeh explains, in rabbinic understanding, the Song is a dialogue between God, who speaks in the voice of the male lover, and the Congregation of Israel, who speaks as the female beloved. In the context of the Song, then, to ask what gender the possessive ending of a word takes is effectively to ask who is speaking, God or Israel. Naeh unlocks the puzzle of this mishnaic story when he points out that the two verses that it cites mention two of the very substances under discussion in the surrounding legal material—wine and oil:

1:2a Let him kiss me of the kisses of his mouth
1:2b For your love is better than wine.
1:3a Your oils have a good fragrance
1:3b Your name is like finest oil
1:3c Therefore do maidens love you.

According to Naeh, Rabbi Yehoshuʿa's question to Rabbi Yishmaʿel is code for this question: Does the prohibition on wine originate in

the word of God, or does it come from the Congregation of Israel, in other words, is it biblically ordained or is it a rabbinic injunction? In proposing that in Song 1:2b it is the voice of God who addresses Israel, Rabbi Yishmaʾel expresses the view that the prohibition on wine—all Gentile wine—is biblically ordained. This is the view that Rabbi Yehoshuʿa rejects. When Rabbi Yehoshuʿa insists on reading 1:2b and 1:3a as one continuous statement in the human voice of Israel, he is asserting, in code, that wine and oil come under the same class of prohibition; neither is biblically proscribed, and neither is cheese.[21] Naeh points out that Rabbi Yehoshuʿa responds to Rabbi Yishmaʾel's difficulty with the incoherence of this area of law in two distinct ways. First, he indicates that the laws need not be internally consistent, because they are instituted by the rabbis, not biblically ordained. Second, he signals that the true (belated, human) origins of these strictures need to be kept under wraps.

In Naeh's reading, Rabbi Yehoshuʿa attributes the prohibitions in question to the rabbis but does not explain why the rabbis imposed these strictures. The talmudic commentators make a proposal in this regard when they suggest that the food of Gentiles is prohibited so as to distance Jews from Gentile women: "They decreed against their bread and oil because of their wine; and against their wine because of their daughters, and against their daughters because of something else, and against something else, because of something else."[22] While this talmudic tradition maintains secrecy regarding the ultimate and penultimate reasons for the rabbinic decrees, it makes plain that one problem with eating and drinking with Gentiles is that it lowers social boundaries, encouraging romantic liaisons with Gentile girls. I would argue that the mishnaic story already insinuates just such a concern when it draws from the erotic language of Song of Songs. Despite the rabbinic convention of reading Song of Songs allegorically, the Mishna cannot escape the sumptuousness of the poetry, in which erotic desire is vividly expressed through images of food and wine. In citing these verses in particular, Rabbi Yehoshuʿa gestures toward the erotic. He hints that one reason tradition cloaks these laws in secrecy is that to probe them might stir up forbidden desire.

Rabbi Yehoshuʿa's story functions as a rabbinic wink and nod, simultaneously acknowledging and obfuscating the inconsistencies that the Mishna writes into law. As Naeh's analysis demonstrates, the secret that Rabbi Yehoshuʿa seeks to guard is the extent of rabbinic legal activism, the degree to which the prohibitions on food and

wine are in fact thick hedges around biblical law, hedges that the rabbis themselves have planted. Naeh's close reading thus provides a valuable complement to Zohar's analysis of the laws of Gentile wine. Zohar theorizes about the function of these strictures, arguing that they aim to shore up the integrity of Jewish religious life within the context of robust social interaction with non-Jews. Naeh focuses on the reception of these laws within the rabbinic community, demonstrating that questions about the rationale for these laws are nearly as old as the laws themselves. Together these two scholars help us understand the mixture of law and narrative, stricture and secrecy, that the Mishna bequeaths to the talmudic authorities.

GENTILE WINE IN THE BAVLI

We are now in a position to appreciate the double inheritance that the Talmud receives from the Mishna with regard to the rules of Gentile wine and food: on the one hand, a thicket of regulations whose origins and rationales are obscure, and, on the other hand, a tradition of secrecy surrounding these rules. As we shall see, the Bavli editors do not clear the tangle of legal questions that grow up around the Mishna's prohibitions of wine, but rather provide an artful trellis, interweaving their discussions of the prohibitions with the themes and motifs introduced in the chapter's opening sugya. The editors not only take up the theme of secrecy, but also thoroughly entwine their treatment of Gentile wine with the snake motif, coiling the animal theme of the opening mishna of "ʾEyn Maʿamidim" through the chapter as a whole.

As others have observed, the talmudic editors of AZ did not inherit chapter divisions that are self-evident; thematically, the five chapters of the mishnaic tractate divide into just three sections, with concerns about wine dominating parts of the first section as well as the last.[23] This tendency of the Mishna's contents to overflow the tractate's divisions into chapters makes the coherence of individual talmudic chapters all the more remarkable. In "ʾEyn Maʿamidim," the opening sugya not only provides a bank of images, motifs, and themes for the discussion of food and wine prohibitions, it also lays out the conceptual framework the editors use to contextualize the laws of Gentile wine within a broader investigation of how Torah and commandments distinguish Jews from Gentiles. The thematic unity of "ʾEyn Maʿamidim" is one striking way that AZ exceeds its

commentarial function as a gloss on the Mishna and expresses its own literary art.

The recurring motifs that knit "ʾEyn Maʿamidim" into a unity are not easily isolated from each other, and their interweaving is itself an expression of the editors' craft. For the interpreter, however, this presents a particular challenge. In what follows, my expository goals require that I isolate themes that are tightly imbricated within the Bavli. I organize my analysis into three parts: Section I serves as an introduction to the Bavli's deliberations and examines how the Bavli thematizes the differentiation between scriptural and rabbinic authority for law. Section II focuses on snakes. Section III examines secrecy, as both a theme and a strategy within the text. As will immediately become evident, however, the talmudic materials resist the imposition of this structure—snakes lurk everywhere, and secrets abound.

Section I: Scriptural and Rabbinic Authority for Law

BEN DAMA'S SNAKEBITES (AZ 27B)

As interpreted by Naeh, the mishnaic story of Rabbi Yehoshuʿa and Rabbi Yishmaʾel cited above is a coded discussion about whether the prohibition on Gentile cheese is scripturally based or imposed by rabbinic injunction. In the Bavli, the distinction between these two levels of legal authority emerges as a theme before the Bavli first broaches the topic of Gentile wine and food. In the story of Ben Dama,[24] we encounter the very Rabbi Yishmaʾel who needles the elder Rabbi Yehoshuʿa about Gentile cheese in the Mishna. Here, however, it is Rabbi Yishmaʾel who plays the role of the aged sage, as he sternly defends rabbinic powers to decide the law:

> And there is the story of Ben Dama, the son of Rabbi Yishmaʾel's sister, who was bitten by a snake. Yaʿakov, a man of Kfar Skhanya, came to heal him, but Rabbi Yishmaʾel would not let him.
>
> Ben Dama said, "Yishmaʾel, my brother, give him leave [to heal me], and I can provide proof from the Torah that this is indeed permitted."
>
> He did not have time to finish speaking, however, before his soul departed [and he died].
>
> Rabbi Yishmaʾel declaimed over him: "How fortunate you are, Ben Dama, that your body is pure, and your soul departed in purity, without transgressing the words of your colleagues, who used to say, 'One who breaks through a fence shall be bitten by a snake' (Eccl. 10:8)."[25]

In this story, Ben Dama is on the verge of dying from a snakebite when he is drawn into a legal debate with his uncle Rabbi Yishmaʿel about the permissibility of accepting healing from a min.[26] Ben Dama insists that this is permitted by Scripture and pleads for his life on that basis, but he dies before he can finish his argument. Rabbi Yishmaʿel remains stalwart in upholding the rabbinic prohibition against being healed by a min, to the point where he seems to rejoice in his nephew's death, which he reads as a confirmation of the biblical verse from Ecclesiastes. For Rabbi Yishmaʿel's character, it is self-evident that the fence mentioned in Ecclesiastes is a metaphor for rabbinic law. According to Rabbi Yishmaʿel's reading of the verse, one who transgresses rabbinic law will be punished by being bitten by a snake. Rabbi Yishmaʿel gives thanks that his nephew avoided a breach of rabbinic law and thereby escaped the lethal punishment that the verse promises.

There is, however, a salient irony in Rabbi Yishmaʿel's use of this particular verse, as Ben Dama has *already* been bitten by a snake, and it is death resulting from this snakebite that he is desperately trying to avoid. (The irony is not lost on the Bavli, whose anonymous voice interjects, "A snake did bite him in any case!")[27] Snakes link Ben Dama's story to other parts of "ʾEyn Maʿamidim": in Chapter 2, I examined how the opening sugya deploys the serpent of the Garden of Eden in constructing a genealogy of Jewish-Gentile difference; below we see that snakes figure prominently in the discussion of Gentile wine as well. In this story, there are two snakes: the literal snake whose bite launches the plot, and the metaphorical snake invoked by Rabbi Yishmaʿel's citation of Ecclesiastes. For Rabbi Yishmaʿel, the threat that this figurative snake represents is the danger of being drawn close to minim or to the heresies they espouse, a danger more to be feared than actual snakebites. The double deployment of snakes simultaneously on both the figurative and literal planes invites closer attention to how other metaphors function within the story.

When Rabbi Yishmaʿel's reads Ecclesiastes' fence as a metaphor for rabbinic law, his conception of rabbinic fences is different than other traditions that make use of this metaphor, such as the famous maxim of Pirkey ʾAvot's opening mishna, "Make a fence around the Torah."[28] In Pirkey ʾAvot, the "fences" erected by rabbis are strictures that supplement scriptural interdictions, distancing individuals from the likelihood of inadvertent transgressions of scriptural law;[29] rabbinic legislation is fence-like in that it serves to protect scriptural

law. In the story of Ben Dama, however, Rabbi Yishmaʿel's counsel to his nephew does not safeguard scriptural law so much as supplant it, replacing the leniency of scriptural commandment with a stringency that is explicitly identified as an invention of the rabbis. For Rabbi Yishmaʿel, the goal of rabbinic law is not to protect Scripture but rather to demarcate the boundaries of an orthodox Jewish community. According to Rabbi Yishmaʿel's conception of the metaphor, rabbinic law is comparable to a fence in that it separates Jews from the temptations of non-rabbinic forms of Jewish life.

The story of Ben Dama's snakebites exemplifies the project of defining Jewish difference that characterizes AZ as a whole. Though much of AZ focuses on distinguishing Jews from Gentiles, other more ambiguous categories of people appear now and again, and the group identified as minim is sometimes singled out with particular venom. Thus, when a sugya on AZ 26b constructs a hierarchy of despised others, it cites a baraita in which minim are identified as being among the worst of the worst.[30] According to the baraita, Gentiles and Jewish shepherds (generally reputed to be thieves) are two groups whom a Jew need not trouble himself to save from a pit, while minim along with informers and apostates are not only not to be raised from the pit, they may actually be cast into it![31] In this discussion, the Bavli identifies two interpretations for how the category of the min is constituted. According to one opinion, a min is a Jew who willingly transgresses the strictures of Jewish law for the sake of provocation (and not merely out of ignorance or lack of self-control), while according to the other view, a min is a Jew who worships idols. According to both these opinions, the min is an internal enemy, threatening the boundaries of Jewish difference from within. Elsewhere within the tractate, however, the minim are depicted as a sectarian group that is clearly distinguishable from the Jews. Thus, in the story of Rabbi ʾEliʿezer's arrest on charges of *minut*, or heresy (17a), as in the story of Ben Dama, minim are identified with a particular teacher, and the term seems to designate a Christian group. In another oft-cited story, the minim are identified as a group that prizes Palestinian Rabbi ʾAbbahu's expertise in Scripture, as opposed to Babylonian Rabbi Safra's expertise in Mishna.[32]

The identification of minim as a group with a special interest in Scripture is particularly relevant to my reading of the story of Ben Dama's snakebites. Ben Dama's character serves both as the mouthpiece for scriptural authority and also as a proponent for interacting

with minim, at least when one's life is at stake. Rabbi Yishmaʿel treats Ben Dama's argument from Scripture as being dangerously accommodating to minut and depicts his own defense of rabbinic strictures as protective of the integrity of Jewish life. In casting Rabbi Yishmaʿel and Ben Dama as opponents, the storyteller places rabbinic law and scriptural law in opposition to each other, creating the impression that these two sources of Jewish law are polarities. Playing on a known association between Scripture and the group called the minim, it subtly denigrates those Jews—even those within the rabbinic camp—who put a premium on scriptural interpretation rather than on rabbinic innovation. Scriptural interpretation, a practice that both rabbis and others engage in, is here rendered suspicious through its association with minim.

While the story of Ben Dama is fastened to the weave of the talmudic chapter by multiple verbal and thematic connections, I submit that one of the important reasons the story appears here is that it announces a theme that will become prominent in the Bavli's discussion of Gentile wine—the difference between scriptural and rabbinic authority for law. That this issue emerges as the central conflict in a story that also engages the threat of minut suggests that for the Bavli storytellers, the status of Scripture in rabbinic lawmaking serves as a boundary between rabbinic insiders and heretical outsiders.[33] Ultimately, the Bavli editors stop short of validating Rabbi Yishmaʿel's dismissive attitude toward Scripture. The story signals that Rabbi Yishmaʿel's view is contested when it has Ben Dama die before he can cite the verse that would save him—presumably, had Ben Dama had time to make his case, scriptural authority would have prevailed over rabbinic authority and Ben Dama would have been saved.[34] In including this vivid illustration of a life-and-death clash between scriptural and rabbinic authority, the editors alert us to the degree to which the debate over the legislative power of the rabbis is a site for the construction of a distinctively rabbinic Jewish identity.

The story of Ben Dama illustrates that for the editors of the Bavli, there is a lot at stake when a given law is identified as being rooted in rabbinic authority (*de-rabanan*) as opposed to the authority of Scripture (*de-ʾoraita*).[35] In this, it serves as a striking companion piece to the mishnaic story of Rabbi Yishmaʿel as a young student that we examined above. In the mishnaic portrait of Rabbi Yishmaʿel as a young man, Rabbi Yishmaʿel naively presumes that halakha is derived from Scripture alone and needs to be tutored by an older sage about

the extent of rabbinic interventions into the law. In the story of Ben Dama, Rabbi Yishmaʿel has matured into an outspoken defender of rabbinic authority, and his stridency on behalf of rabbinic legal activism has become so extreme that we see him arguing for the primacy of rabbinic injunctions over the authority of Scripture. The editors do not ratify his extreme view, but in telling this story they highlight the ascendancy of rabbinic agency in the construction of Jewish communal boundaries.

THE PROHIBITION ON GENTILE WINE: "FROM WHERE DO WE GET THIS?" (AZ 29B)

Turning now to the Bavli's discussion of Gentile wine, we enter a tangle of unresolved questions and contradictions. While some of these difficulties are inherited from the Mishna, it is my contention that the Bavli's discussions compound the confusion by perpetuating and further complicating the difficulties. One example of this is reflected in a shift in terminology within the Bavli. In m. AZ 2:3, when the prohibitions on things belonging to Gentiles are first laid out, a prohibition is placed on "wine" (*ha-yayin*) in general, with no mention of "libation wine" (*yeyn nesekh*) in particular.[36] This would seem to imply that it is not just the wine that Gentiles use in idolatrous ritual that is prohibited, but any and all wine in the possession of Gentiles. Later in the tractate, the terminology shifts and the term *yeyn nesekh* (libation wine) is used.[37] The term apparently refers to wine that is used in idolatrous worship, ritually dedicated to idols or to foreign gods. The Mishna, however, makes no allowance for wine belonging to Gentiles that is *not* used for idolatrous libation. Though things are far from clear, it would seem that in the Mishna, "wine" belonging to Gentiles and "libation wine" are used interchangeably to refer to all wine with which Gentiles have contact. In the Bavli, things get more complicated, because the editors introduce the category of *stam yeynam*—the ordinary wine of Gentiles, in contrast to "libation wine"—when they cite a tradition that explicitly distinguishes between the two categories.[38] Yet despite the conceptual distinction between wine that is dedicated to idolatry and wine that is not, there seems to be little practical difference in how the prohibition is applied in the Bavli.[39] Later commentators and jurists are left to make sense of a puzzle that the Bavli never fully or consistently explains—the fullest severity of the law applies, whether Gentile wine is implicated in idolatry or not.

Beyond these terminological incongruities is another puzzle that the Bavli perpetuates, and it relates to the question that we have now seen both the Mishna and the Bavli engage, albeit obliquely: Is the prohibition on Gentile wine treated as scriptural law or as a law instituted by the rabbis?[40] This is a question that has both conceptual and practical implications, and it is closely related to the challenge of accounting for the law's exceptional stringency. The prohibition on Gentile wine exceeds other prohibitions in several respects: Unlike the other foods and drinks prohibited in the Mishna, wine is prohibited not just from being drunk, but also from being traded or used for benefit in any way.[41] Moreover, the prohibition covers not only wine owned by Gentiles, but any wine with which a Gentile comes into contact or has unsupervised access to for even a small amount of time.[42] To the degree that Gentile wine is considered inherently implicated in idolatrous ritual, these strictures can be somewhat justified on the basis of scriptural prohibitions against idolatry.[43] If, however, one understands the prohibition on Gentile wine as a rabbinic enactment aimed at putting social distance between Jews and Gentiles, it is far more difficult to account for why its stringency so dramatically exceeds other rabbinic enactments governing food and drink.[44]

As we have seen, the Bavli editors place the theme of rabbinic versus scriptural authority front and center when they tell the story of Ben Dama and Rabbi Yishmaʿel. Later in this talmudic chapter, the Bavli editors are forthright about the authority their rabbinic predecessors claimed in making new law and in imposing new social boundaries. The editors not only identify the prohibitions against drinking Gentile beer (AZ 31b) and against eating Gentile bread (AZ 35b) as rabbinic injunctions aimed at precluding intermarriage with Gentiles, they explicitly trace the prohibitions on Gentile wine to an act of rabbinic lawmaking as well. Thus, a passage we will examine closely in Part III reads: "Did not Bali say that ʾAbimi the Nabatean said in the name of Rav: [The prohibitions against] their bread, their oil, their wine and their daughters are all among the eighteen things?"[45] The "eighteen things" refers to a rabbinic tradition that recounts one particular occasion on which the sages of the School of Shammai outnumbered their opponents from the School of Hillel; the Shammaites took advantage of this majority and moved quickly to enact eighteen edicts. The Mishna does not specify which laws were enacted on that day, however, and this passage is one of several in the two talmuds that supply lists of the edicts enacted by the Shammaites. Tracing the

prohibition on Gentile wine to this legendary expression of rabbinic legislative muscle would seem to be a clear acknowledgment that the prohibition of Gentile wine (i.e., wine that is *not* used for libation) is not scriptural. But, as we shall see, there is little that is clear in the Bavli's discussion of Gentile wine. For if the prohibition is but a rabbinic enactment, as Rav's tradition about the eighteen edicts asserts, then the question of why the strictures are so exceedingly stringent remains. Even more puzzling is the following: given this account of the prohibition's rabbinic origins, why do the editors offer such a very different explanation in their opening comments on the topic of Gentile wine? The talmudic discussion of wine commences, as many sugyot do, with the Bavli inquiring after the scriptural basis for the Mishna's prohibition: "Wine: From where do we get this?"[46]

Given that Rav's teaching about the Shammaites' eighteen edicts will soon emerge in the discussion, it might seem strange that the editors even entertain the possibility of scriptural origins for the wine prohibition. In fact, the question "From where do we get this?" is a standard way for a sugya to begin.[47] Though in the vast majority of instances, the question is indeed a prompt for the editors to trace mishnaic rulings back to Scripture and thus demonstrate their status as scriptural law, there are instances in which citations of Scripture are ultimately shown to be mere mnemonics or supports (*ʾasmakhta be-ʿalma*) for laws that the editors regard as rabbinic edicts.[48] But though the sugya's opening question, on its own, is not necessarily problematic, the answer that is provided is very confounding indeed: "Rav Naḥman said: Rabba bar ʾAbuha said: 'Scripture says: "Those who eat the fat of their sacrifices drink the wine of their libations" (Deut. 32:38). (By analogy with sacrifice,) just as sacrifice is prohibited, so too is wine prohibited.'"[49] According to Rabba bar ʾAbuha, the prohibition on wine can be deduced from the coincidence of the mention of wine and the mention of idolatrous sacrifices in the same verse. Sacrifices may not be bought and sold, nor may wine.[50]

At first blush, Rabba bar ʾAbuha's reasoning seems sound. The difficulty is that this particular verse mentions not just wine but specifically the "wine of their libations." This raises a question: Is this verse offered as a derivation of the prohibition on libation wine in particular, or in relation to the prohibition on *all* wine belonging to Gentiles? The notion that wine used in idolatrous libation is prohibited in every way hardly seems to require any special pleading, and if this is what the verse comes to demonstrate, that would explain why the editors

do not identify the verse as an ʾasmakhta. In this reading, the only aspect of the law that the Bavli here traces to Scripture is the aspect that is most straightforwardly scriptural—the prohibition on idolatrous libations. On the other hand, if the verse provided is meant to somehow hint that *all* Gentile wine might participate in the scriptural prohibition against benefiting from idolatrous sacrifice, that would be a real contribution, albeit one that begs to be explicitly identified as a mere ʾasmakhta in that it conflicts with Rav's tradition that the prohibition is enacted by the Shammaites. In other words, these opening comments either state the obvious (that libation wine is banned by Scripture), or are so far-fetched as to demand further discussion (if *all* Gentile wine is truly to be considered banned by Scripture). What seems at first like a clear scriptural derivation for the Mishna's law is in fact anything but clear, because it evades the central conundrum of this body of law: How does one account for the prohibition's breadth in treating all Gentile wine with the same level of stringency that understandably governs idolatrous libation?[51] The Bavli's opening comment not only evades this question, it actually confounds the issue, latching a verse about idolatrous libation onto a ruling about ordinary wine, and giving the impression of a scriptural foundation for a law that is later expressly identified as a rabbinic edict.

Is the prohibition on Gentile wine rabbinic or scriptural? And why is it so strict? These are the two interlocking puzzles at the heart of the law, and the editors are surprisingly silent on both. Given the prominence of the theme of rabbinic lawmaking elsewhere in "ʾEyn Maʿamidim," this restraint becomes all the more striking and calls to mind the reticence of Rabbi Yehoshuʿa in the mishnaic dialogue about the prohibition on Gentile cheese. My claim is that the editors' silence on these issues should not be seen as a lapse in editorial control, but rather as a choice. Later, I argue that the editors' confounding treatment of the law's derivation is part of a broader strategy of evasion and indirection, an effort to hide the fingerprints of their rabbinic predecessors on the law's stringencies. For now, I simply wish to call attention to the way the Bavli muddles the discussion of whether the law's stringencies are scriptural or rabbinic, simultaneously sustaining both the insinuation that all Gentile wine is tainted by idolatry and the alternative explanation that early rabbis intervened to prohibit drinking with Gentiles so as to curtail social relationships. The effect is a law of uncertain reach whose rationale is overdetermined.

It is not without some self-consciousness that I set out to argue that the Bavli's discussion is deliberately confusing, but I can point to two external considerations that help make my case. The first is a literary consideration, one I have already laid out in treating the Ben Dama story. In this story, as in the Mishna's account of the dialogue between Rabbi Yishmaʿel and Rabbi Yehoshuʿa, rabbinic authority for making law emerges as a theme. Against this backdrop, the editors' reticence on the precise question of rabbinic versus scriptural authority becomes all the more striking, supporting my claim that the silence is strategic. My second corroboration is drawn from the history of halakha. As Haym Soloveitchik points out in his magisterial study of how the Jews of medieval Ashkenaz produced, consumed, and traded wine, the laws surrounding wine remained ambiguous for an uncharacteristically extended period in Jewish history.[52] Soloveitchik catalogs multiple areas of confusion arising from contradictions between sugyot in AZ, and demonstrates that a consistent, authoritative understanding of the laws of wine did not emerge until the dissemination of Rashi's commentary in the twelfth century.[53] While evidence of AZ's unusual reception history does not on its own confirm my claim that the tractate's treatment of Gentile wine is *deliberately* confounding, Soloveitchik's probing analyses do offer external verification of the Bavli's internal contradictions.

In my examination of the opening sugya of "ʾEyn Maʿamidim," I indicated how the editors maintain strict control over their materials, orchestrating disparate traditions into a dialectical exchange that is tight and cogent. When it comes to the topic of Gentile wine, however, this strong editorial presence appears to recede. The editors present an almanac of received traditions about food, wine, and other drinks, but they do not reconcile them. Individual traditions remain undigested, and the effect is a body of law both overdetermined and confounding. Thus far, we have seen two competing rationales for the prohibition on Gentile wine, one based on a scriptural prohibition of idolatry and the other based on a legend of early rabbinic lawmakers' forays into social engineering. In the next section, I examine yet a third rationale that the editors introduce into the mix, the proposal that the beverages of Gentiles are simply unsafe.

Section II: Snakes

A snake came to my water-trough
On a hot, hot day, and I in pyjamas for the heat,
To drink there . . .
And voices in me said, If you were a man
You would take a stick and break him now, and finish him off.
But must I confess how I liked him,
How glad I was he had come like a guest in quiet, to drink at my water-trough
And depart peaceful, pacified, and thankless,
Into the burning bowels of this earth? . . .

—D. H. Lawrence, "Snake"

One of the most striking ways that the Bavli's discussion of Gentile wine diverges from the Mishna's presentation is in its extended attention to snakes. Snakes are nowhere to be found in m. AZ, and yet "ʾEyn Maʿamidim" is crawling with them. In the opening sugya, a retelling of the serpent's seduction of Eve raises questions about the parentage of non-Jews. In the story of Ben Dama, the threat of minut is portrayed as more lethal than a deadly snakebite. And in the explication of the prohibition of Gentile wine, the likelihood of snakes having penetrated stores of wine, water, and other food becomes a rationale for a range of halakhic stringencies. It is in this context that the Bavli presents numerous accounts of the eating habits of snakes. In this section, I present and analyze a selection of these materials. I argue that these snake stories do double duty within the talmudic chapter, contributing to the editors' project on both the legal and literary planes. In the realm of legal argument, snakes help the editors address the excessive stringencies of the laws of Gentile wine by providing an instructive legal analogy. In the realm of literary art, snakes join a menagerie of animal figures and effectively convey both the cunning and the danger the editors ascribe to non-Jews. In injecting the hidden threat of snake venom into their discussion of Gentile wine, the Bavli editors combine legal analysis with a subtle literary imagination.

LEGAL REASONING AND THE "RULE OF EXPOSURE" (AZ 30A)

There is an anxious, obsessive quality to the Mishna's treatment of Gentile wine that contemporary scholars have observed but have not

satisfactorily explained. In the words of Peter Schäfer, "One gets the impression that the Gentiles are obsessed with spoiling Jewish wine and making it prohibited for Jews, and that the Jews are busy day and night protecting their wine from Gentiles. Sometimes the discussion resembles a cops-and-robbers game."[54] The Bavli editors not only take note of this curious characterization of Jewish-Gentile relations, they seek to explain it. Juxtaposing the strictures governing Gentile wine with the stringencies that the Mishna attaches to foods that have been left exposed to snakes, the editors generate a legal analogy with great explanatory power.

We have already seen that the Bavli provides two distinct accounts for the strictures governing the wine of Gentiles, offering a scriptural derivation at the beginning of the discussion (29b) and later identifying the prohibition as an edict of the rabbis (36b). Much of the material in between these two discussions investigates yet another rationale for banning certain beverages, *mi-shum giluy,* because of exposure. Exposure is a rationale for a prohibition on wine, water, and other potable liquids that have been left uncovered and are suspected of having been infiltrated by venomous snakes. Exposure has nothing at all to do with idolatry or with Gentiles, and it is not offered as a reason for the ban on Gentile wine, which comes under its own category of prohibition. It is invoked, however, in relation to beverages that are similar to wine, alcoholic mixtures whose status is questionable because they fall into a gray area: "Rabba and Rav Yosef both say: 'Diluted wine does not come under the rule of exposure. Boiled wine does not come under the rule of wine-libation.' They were asked: 'But what about boiled wine: Does it come under the rule of exposure, or not?'"[55] The Bavli here raises the question of what kinds of prohibition, if any, relate to boiled wine and to wine that has been diluted with water. Do these beverages come under the category of liquids that are susceptible to prohibition through contact with Gentiles, like wine? Do they come under the ban on beverages that have been exposed to snakes? Which categories of beverage are governed by which set of legal concerns?

The juxtaposition of the two categories of prohibition that I translate as "the rule of exposure" (*mi-shum giluy*) and "the rule of libation" (*mi-shum yeyn nesekh*) is an innovation of the talmudic authorities. While the rule of libation is a central concern of the local mishna, the rule of exposure is drawn from an entirely different body of law. The concept of exposure is introduced in the Mishna in

the context of the rules of *teruma*, sacred offerings that were eaten by priestly families in ancient times. Thus, m. Terumot 8:4–5 reads:

> Wine dedicated as a teruma offering that was left exposed should be poured away, and this need not even be mentioned in connection with wine that is not sanctified. Three beverages become prohibited because of being exposed: water, wine, and milk. And all other beverages are permitted [even if left uncovered]. How long do they need to remain exposed to come under the prohibition? Long enough for a snake to come out of a nearby place and drink.
>
> The quantity of water left exposed [that thereby comes under the prohibition] is enough that the venom could be lost in it.

Though the rule of exposure and the rule of libation originate in two very different areas of law,[56] they both are prohibitions that relate to wine, and this alone might have been the impetus for the talmudic sages to consider them together. Their similarity, however, goes far beyond this. As categorical prohibitions, the rule of exposure and the rule of libation are structured in analogous ways. Thus, according to the Mishna's rulings in AZ, mere contact with a Gentile—even the opportunity for a Gentile to have unsupervised contact—is sufficient for rendering the wine prohibited as yeyn nesekh; whether or not the wine was actually dedicated to idolatry is immaterial.[57] Similarly, according to the rule of exposure, whether or not snakes actually entered the wine or water, let alone contaminated it with venom, does not matter; the mere possibility of contact with a snake brings the liquid under a ban. In both bodies of law, the sealing and the supervision of the liquid is critical. Wine belonging to Jews that is left unsealed and unguarded is presumed to have been compromised through contact with a Gentile; liquids that are left uncovered and unwatched are presumed to have been infiltrated by snakes.

While the structural similarities between these two categories of prohibitions are nowhere explicitly spelled out, they come to light over the course of an extended passage, presented below. In this sugya, the editors investigate how the twin rationales of libation and exposure relate to boiled wine on the one hand and to diluted wine on the other. Most important for my argument are not the individual moves of the dialectic, but rather the trajectory of the argument as a whole.

> 1. Rabba and Rav Yosef both say: "Diluted wine does not come under the rule of exposure. Boiled wine does not come under the rule of wine libation."

They were asked: "But what about boiled wine: Does it come under the rule of exposure, or not?"

2. Rabbi Yaʿakov bar ʾIdi testified concerning boiled wine that it does not come under the rule of exposure.

3. Rabbi Yanai bar Yishmaʿel got sick, and Rabbi Shimʿon[58] and the rabbis went to ask after him. They were sitting when the question was asked of them: "Concerning boiled wine: Does it come under the rule of exposure, or not?"

Rabbi Shimʿon ben Zerud said: "This is what Rabbi Shimʿon ben Lakish said in the name of a great man:"—and who was it? Rabbi Ḥiyya—"Boiled wine is not subject to the rule of exposure."

They said to him: "Can we rely on this?"

Rabbi Yanai bar Yishmaʿel signaled to them: "By my life and throat! [You can rely on it!]"

4. Shmuʾel and ʾAblet [a non-Jew][59] were sitting together when boiled wine was served to them. ʾAblet withdrew his hand [so as not to render the wine unfit]. Shmuʾel said, "But it has been said: Boiled wine is not subject to the rule of libation wine."

5. Rabbi Ḥiyya's maidservant left some boiled wine uncovered, and then brought it before Rabbi Ḥiyya. He told her, "Behold they have said: Boiled wine is not subject to the rule of exposure."

6. The servant of Rav ʾAda bar ʾAhava left some diluted wine uncovered. He came before Rav ʾAda bar ʾAhava. He [Rav ʾAda bar ʾAhava] told him, "Behold they have said: Diluted wine is not subject to the rule of exposure."

7. Rav Papa said: "We only said this in a case where it is well diluted, but wine that is only partially diluted—it (a snake) will drink."

8. Does it indeed drink wine that is only partially diluted?

9. But what of Rabba bar Rav Huna?! He was traveling by boat, and had taken wine with him. He saw a snake cutting across the water, drawing near.

He said to his servant, "Take out its eyes!"

The servant took a bit of water, and threw it into the wine, and the snake turned around and left.

10. So—[this only means that] it [a snake] will not risk its life for diluted wine the way it will for pure wine.

11. But will it indeed not risk its life for diluted wine?

12. But what of Rabbi Yannai who was in Bey ʿAkhborey—and some say it was Bar Hadaya who was in Bey ʿAkhborey.

People were sitting and drinking wine. Some wine was left in the cask, and they covered it with a rag. Then he saw a snake take water in its mouth and throw it into the cask until the cask was full. The wine came up and out over the rag, and the snake drank it!

Let's say: It [a snake] drinks wine that it dilutes itself, but not wine that others dilute.

13. Rav ʾAshi said, and some say it was Rav Mesharsheya: "What kind of resolution is this when there is danger involved?"

14. Rava said: "The halakha is: Wine that is diluted comes under the rule of exposure and the rule of wine libation; wine that is boiled does not come under the rule of exposure, nor under the rule of wine libation."[60]

Over the course of this extended passage, rabbinic pronouncements about the susceptibility of boiled wine and diluted wine to the two categories of prohibition are considered in light of reports about real-life cases. These illustrations, however, are not evenly distributed over all the permutations of the rules' applications. Instead, the editors guide our attention in a particular direction. As the passage progresses, we move from a brief consideration of boiled wine to a much longer treatment of diluted wine. Two illustrations are recounted in relation to boiled wine: the story of ʾAblet (4) and the story of Rabbi Ḥiyya's maidservant (5). Three are related about diluted wine: the story of Rav ʾAda bar ʾAhava's servant (6), Rabba bar Rav Huna's boat trip (9), and the resourceful snake of Bey ʿAkhborey (12). The most vivid illustrations and the only two that are fully developed narratives both feature snakes going after diluted wine (9 and 12). Over the course of the passage as a whole, the progression of the discussion moves us from a consideration of boiled wine to a consideration of diluted wine, and from concern about contact with non-Jews to concern about exposure to snakes, as Table 1 demonstrates. Over the course of this extended passage, snakes displace Gentiles as the focus of our attention and as a cause for concern. Subtly, on the sly, the editors have made snakes take the place of Gentiles.

I am arguing that it is through this substitution of snakes for Gentiles that the Bavli editors call attention to structural similarities between the prohibition of Gentile wine on the one hand and prohibitions for reason of snake exposure on the other. Bringing these two disparate bodies of law into alignment, the editors highlight the parallel ways in which the two prohibitions work. In each body of law, a prohibition stems from suspicion of contact that cannot be detected. Shmuʾel's Gentile friend ʾAblet (in 4 above) is quick to pull his hand away from boiled wine because he knows that mere contact with his hand renders regular wine unfit for a rabbi—even the possibility of Gentile contact with wine is sufficient for rendering it prohibited as yeyn nesekh. Similarly, the rule of exposure bans any drink a snake has had access to, regardless of whether a snake actually had contact

TABLE 1. The Distribution of Illustrative Stories on B. AZ 30a

	Rule of libation wine (pertains to contact with Gentiles)	*Rule of exposure (pertains to snakes)*
Boiled wine	4. ʾAblet and Shmuʾel	5. Rabbi Ḥiyya's maidservant
Diluted wine	*No illustrations provided*	6. Rav ʾAda's servant 9. Rabba bar Rav Huna's boat 12. Wily snake of Bey ʿAkhborey

with the beverage, let alone injected venom into it. This is why the demonstration of a snake's interest in diluted wine is sufficient for placing that whole category of beverage under suspicion for exposure; the mere possibility of contact triggers the prohibition. Structurally, suspicions of contact, whether by snakes or by Gentiles, function in parallel ways in the two categories of law, and the Bavli brings this out by bringing these two disparate areas of law together.

Alongside these striking parallels between the two categories of prohibition, however, there is one important difference between them. As Rav ʾAshi (or Rav Mesharsheya) points out (13), the life-threatening danger of snake venom makes the circumspection demanded by the rule of exposure seem prudent and reasonable. When it comes to Gentiles, however, this level of caution is far more difficult to explain. I am arguing that the Bavli here not only remarks upon the Mishna's excesses, but seeks to account for them. The Mishna is anxious and unduly stringent in its treatment of Gentile wine, the Bavli suggests, because *mishnaic law relates to Gentiles as it does to snakes*. While the Bavli is never explicit in making this comparison, the juxtaposition of the two categories of prohibition invites just such an analogy.

The structural similarities between snake exposure and yeyn nesekh that the Bavli highlights raise an intriguing possibility. Perhaps the stringencies that govern the use of Gentile wine were indeed shaped through analogy with the laws of exposure in m. Terumot. According to this line of reasoning, the stringencies in one body of mishnaic law generated the stringencies in another, and while the transfer of standards from the laws of teruma to the laws of Gentile wine makes for a certain kind of consistency, it also introduces

a level of stricture pertaining to Gentile wine that on its own is difficult to explain. Whether this analogy between the two bodies of law was pursued in a conscious or unconscious way, it would account for the surprising severity of the Mishna's strictures regarding wine that comes into contact with Gentiles. If the account I attribute to the Bavli is correct, the (irrational) suspicions of Gentiles expressed in the laws of libation wine are modeled on the (rational) concerns about venomous snakes that are the foundation for the rule of exposure.

Whether or not the Mishna in fact expresses an association between snakes and Gentiles, the Bavli not only discerns the structural similarity between the rules of snake exposure and yeyn nesekh, it puts this analogy to literary use. As the talmudic sugya continues beyond the passage cited above, the grounds for the comparison between the rule of exposure and the rule of libation shifts. In a tradition that we already examined in Chapter 2, Rav does not drink water in pagan homes for fear they are not careful about exposure (AZ 30a). Here, as the Bavli for the first time identifies the rule of exposure with non-Jews in particular, what begins as an observation of a statutory similarity between two discrete bodies of law transmutes into a single, undifferentiated sphere of suspicion. Rav's suspicions bring snakes and Gentiles into a direct relationship, associating the danger of snake venom with non-Jews' alleged lack of hygiene.[61] These suspicions of Gentiles' health standards are not at all relevant to the halakhic discussion of Gentile wine, because Gentile wine cannot be rendered more prohibited than it already is—whether understood as a biblical prohibition or a rabbinic edict, the ban on Gentile wine is already overdetermined. As a literary strategy, however, the move is very effective. The two categories of prohibition dissolve into each other, and the visceral fear and repulsion elicited by snakes wrap Gentile wine in yet another layer of stricture and suspicion, heightening a sense of taboo. The snake motif that first appeared in this chapter's opening sugya thus enters the halakhic deliberations at the center of the chapter, introducing a literary artistry that is in no way anticipated by the Mishna.

LITERARY ANALYSIS: HOW IS A GENTILE LIKE A SNAKE?

The Bavli's association between snakes and Gentiles participates in AZ's overarching literary project, contributing to the tractate's examination of Jewish-Gentile difference.[62] The association is both metonymic and metaphoric, and it raises a question: What does it mean to use the snake as a figure for the non-Jew? As scholars of metaphor

have explained, in any metaphor there are "used" and "unused" parts of both the target concept and the source concept.[63] As a source concept, "snake" offers a particularly rich field of possibilities. On the one hand, the Bavli might draw on associations that are culturally specific, activating intertextual connections with the Genesis story and with the biblical characterization of the serpent as a wily seducer. But snakes also have a range of distinctive natural properties: they slough their skin, they slither without legs, and they are often poisonous.[64] The poem that provides the epigraph for this section—a modern poem, describing a snake the speaker encounters in Italy—highlights other aspects of snake behavior that are also prominent in the talmudic discussion: the tendencies of snakes to infiltrate people's water sources, and a snake's bravura in quenching its thirst under the watchful eyes of human observers. Which of these many aspects of "snake" are most relevant to the Bavli's characterization of non-Jews?

Even as the recurrence of the snake motif contributes to the unity of "ʾEyn Maʿamidim," the specific resonances of "snake" change in different parts of the chapter. When the opening sugya identifies the snake of Genesis as the progenitor of non-Jews' bestial tendencies, the scriptural allusion builds on the snake's association with sexual perversion. Later, in the story of Ben Dama, the Bavli storytellers emphasize the lethality of snakebites, which helps them characterize the menace of minim. In the extended discussion of giluy in AZ 30a, the characterizations of the snakes who go after the rabbis' wine on board ship and in Bey ʿAkhborey are far less menacing. Here, snakes are depicted as persistent, ubiquitous threats, requiring constant circumspection, but also eliciting a begrudging respect.[65] To the degree that these snakes are figures for Gentiles, Gentiles are depicted as part of everyday life, in and about Jewish spaces. Like the snake who manages to fill a wine cask with water and thus gain access to the drink inside, the Gentile is cunning and resourceful. Like the snake who sneaks into the Temple and contaminates sanctified wine, the Gentile is sly. In the deliberations about giluy, reports about snakes have the texture of real-life encounters with animals. The mingling of wonderment and terror that shades human interactions with snakes injects the Bavli's depiction of the non-Jew with a potent mix of suspicion and attraction.

As the deliberations about giluy continue beyond the passage discussed above, the emphasis on empiricism with respect to snake behavior persists. In these discussions, additional aspects of the "snake"

concept are emphasized, adding further nuance to the snake figure. A collection of rabbinic traditions testify to the difficulty of detecting snake venom in both drinks and in food:

> Rav Safra said in the name of Rabbi Yehoshuʿa of the South: There are three kinds of venom: That of a young one sinks, of a middle-aged one hovers, and an old one floats. . . .
>
> "That of a young one sinks"—What is the halakhic implication?
>
> As it was taught in a baraita: A barrel was left exposed. Even though nine drank from it and did not die, the tenth person is still not to drink from it.
>
> There was a case in which nine drank from it and did not die, and then a tenth drank, and he died.
>
> Rabbi Yirmiya said: It was because it [the venom] sinks. . . .
>
> And so it is with a melon that was left exposed: Even though nine people ate from it and did not die, the tenth is still not to eat from it.
>
> There was a case in which nine ate from it and did not die, and a tenth ate and he died.
>
> Rabbi Yirmiya said: It was because it [the venom] sinks.[66]

These traditions suggest that leaving food or drink exposed to snakes is even more dangerous than one might suspect. The issue is not simply that snakes are sneaky creatures who might easily enter and exit one's stores of food and drink without being detected. The venom itself is a stealthy substance. It hides undetected, concentrated in just one part of a contaminated drink or fruit, lulling eaters and drinkers into a false sense of security.

The Bavli editors indicate precisely which aspects of the concept "snake" are most relevant to their characterization of Gentiles through the specific case stories they offer. Their illustrations highlight both the cunning of snakes and the impossibility of detecting the poison they leave behind. Transferred to the concept of "Gentile," these qualities suggest that contact with non-Jews is to be avoided because the dangers posed by non-Jews are so difficult to detect. Non-Jews are menacing not because of any obvious, apparent danger, but because of risks that are hidden and undetectable. Nine times out of ten, Jews might interact with Gentiles and suffer no harm, just like nine people can drink water contaminated by snake venom and escape unscathed, but the preponderance of contradictory evidence only serves to confirm that one cannot trust one's reason or experience. The editors' tacit comparison of Gentiles to snakes effectively neutralizes any countervailing evidence of non-Jewish virtue, negating all examples of positive Jewish-Gentile interactions as dangerously misleading.

Using both the snake and snake venom as figures for the non-Jew, the Bavli suggests that differences between Jews and Gentiles are both difficult to detect and rife with danger. In emphasizing the hidden nature of the Gentile threat, the snake figure augments other depictions of Jewish-Gentile difference, strengthening my claim that for the Bavli editors, the real threat that Gentiles pose is not that they are qualitatively different from Jews, but that they are so very much the same.[67] For the Bavli, it is precisely the invisibility of Jewish-Gentile difference that is the foremost danger posed by Gentiles. In the absence of clear, external boundaries, the task of separating like from like becomes all the more pressing. The association of Gentiles and snakes thus ripples through both the literal and figurative realms, with the rule of giluy shaping the Bavli's understanding of the laws of Gentile wine in two respects: the structure of the law of snake exposure serves as a model for the scope of the prohibition on Gentile wine, while the comparison between snakes and Gentiles provides an overarching rationale for the prohibition's stringency.

I am arguing for a reading of giluy in which the figurative does not cancel out the literal, technical aspects of the law, but rather augments them. Moreover, it is not just the snake but other aspects of the Bavli's account of snake exposure that lend themselves to such a figurative reading. While the snake represents the threat of Gentile incursion, the barrel of liquid that the snake penetrates represents the boundaries of the Jewish community. The larger metaphor that grounds this interpretation compares law to a container. Rabbinic stricture is imagined as a vessel that protects and preserves the holiness and distinctiveness of the Jewish community, represented by wine. In this reading, the rabbinic compulsion to seal up wine vessels bespeaks a fantasy of Jewish separateness, a drive to secure communal boundaries and make them impermeable. At the same time, the intricacies of the law's particulars reflect the inherent challenge of maintaining Jewish separateness. The complex of rules addressing the impossibility of detecting contamination through taste or sight acknowledges that Gentile wine is virtually indistinguishable from Jewish wine.[68] So, too, differences between Jews and Gentiles are not apparent.

One further resonance of the Bavli's discussion of giluy is the way it expresses the theme of secrecy. I have already emphasized the ways that secrecy is thematized in two different contexts. In the opening sugya of "ʾEyn Maʿamidim," secrecy is the chief virtue of the rabbinical student who keeps quiet about his sexual adventures. In the

mishnaic account of how Rabbi Yishmaʾel confronts the prohibition on cheese, Rabbi Yehoshuʿa employs secrecy when he evades Rabbi Yishmaʾel's questions. Discussion of giluy manifests the theme of secrecy in yet a third way, as the injunction to cover up containers of water and wine literalizes the virtues of continence and concealment, projecting the concept of secrecy into the physical world of liquids and solids. In contrast to Jewish men who are closed-lipped about private matters and vigilant about sealing their food and drink, non-Jews are treated as suspect because they are both indiscreet in their talk and sloppy in the kitchen. Alongside a range of other resonances of giluy, a loose but suggestive correspondence links snakes sloshing through open casks of wine to Gentiles copulating in cattle sheds. "Exposure" thus comes to function simultaneously as a statutory category and a moral and sexual one, providing yet another example of how the legal and the figurative can be mutually reinforcing. Though the Bavli introduces the rule of exposure in the context of legal dialectics, it is as a literary figure that giluy does some of its most subtle and effective work, weaving a network of associations between non-Jews and the creeping threat of strange, sneaky beasts.

Section III: Secrets

Through their elaboration of a tacit comparison between snakes and Gentiles, the Bavli editors offer a quiet justification for rabbinic efforts to shore up communal boundaries, hinting that the task of separating Jews from others is as urgent as it is challenging. Discerning precisely what is at stake for the editors is difficult, however, because the Bavli's deliberations about the prohibition of Gentile wine are riddled with obfuscations. Not only do the editors confound the question of whether the authority for the prohibition lies in Scripture or with the rabbis; time and again they heighten the mystery surrounding the laws of Gentile wine, promoting secrecy as a virtue and practicing indirection as a literary strategy.

DISCLOSURES (AZ 35A)

In presenting the story of Rabbi Yishmaʾel's confrontation with Rabbi Yehoshuʿa, the Mishna depicts Rabbi Yehoshuʿa going to great lengths to conceal the fact that the prohibition on eating Gentile cheese originates in a rabbinic edict. Even as the talmudic authorities disclose that which the Mishna conceals, they celebrate the cunning

indirection with which Rabbi Yehoshuʿa's character responds to his young interlocutor.

Above, we saw how Shlomo Naeh's reading of the mishnaic story breaks new ground in interpreting Rabbi Yehoshuʿa's comments about the Song of Songs as a coded response to Rabbi Yishmaʾel's question. A careful reading of the Bavli's interpretation suggests that talmudic readers anticipate Naeh's reading in several respects. While the Bavli's comments do not decipher Rabbi Yehoshuʿa's grammatical question as precisely as Naeh does,[69] they nonetheless recognize that Rabbi Yehoshuʿa's citation of the Song of Songs is not a diversion to a new topic, but a response, in code, to the issue at hand. Here is the relevant passage from the Bavli:

> What does "For your love is better than wine" (Song 1:2) mean?
>
> When Rav Dimi came, (he said): "The Congregation of Israel said before the Holy One, Blessed be He: 'Master of the Universe, the words of Your lovers are sweeter to me than the wine of Torah itself.'"
>
> Rabbi Shimʿon ben (Pazi) said, or some say Rabbi Shmuʾel bar Rav Yitzḥak (said): "It was the beginning of the verse that he indicated: 'Let him kiss me from the kisses of my mouth' (Song 1:2), by which he said to him: 'Yishmaʾel, my brother, press your lips together, and do not be afraid to answer.'"[70]

The Bavli here offers two different interpretations of Rabbi Yehoshuʿa's reference to the Song of Songs. For Rav Dimi, the verse reveals—in code—the precise secret that Rabbi Yehoshuʿa wants his student to keep quiet about: that the prohibition on cheese originates with the rabbis and not the Bible. Rav Dimi's interpretation turns on the use of the comparative adjective within the verse "For your love *is better* than wine." He reads the Hebrew *dodekha* (דודיך) as "lovers" as opposed to "love," and this allows him to read the rabbis—God's lovers—into the verse. With "lovers" referring to the rabbis, and "wine" representing Torah, mere substitution indicates that rabbinic teachings *are better* than Scripture.[71] For Rav Dimi, as for the contemporary scholar Naeh, it is of prime significance that this particular verse is attributed to the voice of Israel rather than to the Divine lover. According to Rav Dimi, Rabbi Yehoshuʿa is using the verse to tell Rabbi Yishmaʾel that the people of Israel embraces the rabbis' introduction of new stringencies into the law.[72] According to this interpretation, Rabbi Yehoshuʿa's citation indicates that it was the rabbis who prohibited Gentile cheese, and, moreover, that Israel values such rabbinic injunctions even more

than it reveres the authority of Scripture itself. This is a strong declaration of the rabbinic prerogative to make new law.

Rabbi Shimʿon ben Pazi (or Rabbi Shmuʾel bar Rav Yitzḥak) offers another interpretation of Rabbi Yehoshuʿa's cipher. He suggests that the citation of this particular verse conveys Rabbi Yehoshuʿa's request that Rabbi Yishmaʿel refrain from talking about the issue. This interpretation focuses on a part of the verse that is not explicitly cited in the Mishna: "Let him kiss me from the kisses of my mouth." Rabbi Shimʿon interprets the very imagery of a kiss as a recommendation to keep one's mouth shut by making a metonymic association between kissing and silence via the mouth. While Rav Dimi and Rabbi Shimʿon's proposals for how to understand Rabbi Yehoshuʿa's hidden meaning are very different, when read in concert they together address both of the key points that Naeh makes in his interpretation: first, that the prohibition on Gentile cheese is a rabbinic injunction, and second, that it is important to keep mum about this.

As the Bavli's treatment of the story continues, the sugya acknowledges a tension between the interpretation of Rav Dimi and the interpretation of Rabbi Shimʿon ben Pazi (or R. Shmuʾel bar Rav Yitzḥak). If the legislative powers of the rabbis are as beloved by the people as Rav Dimi suggests, then why is the secrecy that Rabbi Shimʿon stresses so important? Why would Rabbi Yehoshuʿa need to conceal the rabbinic origins of the prohibition? This is the issue that the Bavli now takes up:

> For what reason?
>
> ʿUlla said, or some say it was Rav Shmuʾel bar ʾAbba: "(Rabbi Yoḥanan said): It was a new rabbinic edict, and it was not fitting to probe it."
>
> Why did they issue the edict?
>
> Rabbi Shimʿon ben Pazi said Rabbi Yehoshuʿa ben Levi said: "It was because of snakebites [in the Gentiles' cheese]."[73]
>
> So why not just say that (it was because of snakebites)?
>
> It was because of ʿUlla, for ʿUlla said: "Rava said: When they make edicts in the West, they do not reveal the reasons for them until after twelve months of the year pass, lest someone who does not accept the reasoning goes and disregards the edict."[74]

The Bavli here provides a rationale both for the prohibition itself and for the secrecy surrounding its rabbinic origins, presenting Rabbi Yehoshuʿa's restraint as an act of political prudence. According to Rabbi Yehoshuʿa ben Levi, tannaitic authorities saw fit to outlaw all cheese prepared by Gentiles because of a general suspicion that

Gentiles do not protect their food from snakes. They did not publicize their reasoning, however, out of concern that Jews who did not accept the rationale would not uphold the edict. ʿUlla's explanation accounts for why the editors of the Bavli are so open about a matter that Rabbi Yehoshuʿa took such pains to conceal. Once the prohibition on Gentile cheese is accepted as a societal norm, there is no longer any compulsion to keep the rationale secret.

Even as the sugya follows ʿUlla in explaining that Rabbi Yehoshuʿa's secrecy is a tactical act, there are nonetheless hints that for the Bavli editors, judicious secret-keeping is not merely a matter of expediency but a virtue in itself. This valorization of secrecy comes through in the chapter's opening sugya's account of a rabbinical student who sleeps with his widowed landlady and then keeps the affair a secret. In the present sugya, there is a variation on this theme when Rabbi Shimʿon ben Pazi makes a kiss the emblem for keeping mum. Here, the elements of lovemaking and secrecy that coincide in the opening sugya are remixed in a fresh and arresting way as the image of puckered lips simultaneously conveys both eroticism and reticence.

Rav Dimi's allegorical reading of Song 1:2 further eroticizes rabbinic secrecy when it interprets wine as a figure for the words of Scripture. If wine corresponds to Scripture, rabbinic law corresponds to the casks or barrels that contain and protect divine instruction: "Wine : Wine Vessels :: Words of Scripture : Rabbinic Injunctions." The figuration reinforces the association of rabbis with containment, and this containment bespeaks not just sanctity and separateness but also power.[75] Against the backdrop of erotic images that the intertextual use of the Song of Songs provides, it becomes clear that the continence that the Bavli associates with rabbis is not the negation of desire, but the successful exertion of mastery over desire, as in the image of a fullness that threatens to overflow a vessel or of a straining tumescence. Even as the Bavli interpreters divulge Rabbi Yehoshuʿa's secret, they pay homage to his secret-keeping as a model of verbal mastery, power, and restraint. As the talmudic discussion continues, Rabbi Yehoshuʿa's reticence serves as a model for the Bavli's own embrace of secrecy.

KEEPING SECRETS (AZ 36B)

As we near the end of "ʾEyn Maʿamidim," it becomes increasingly clear that the Bavli conceals a secret of its own. The editors' attention remains fixed on Gentile wine and food, and they at long last

acknowledge that these prohibitions originate as edicts issued by ancient rabbis, tracing them back to the infamous gathering in the upper chamber of Ḥananya ben Ḥizkiya ben Garon when the eighteen edicts were issued.[76] Yet despite this forthrightness on the part of the editors, the precise rationale for the edicts remains obscure. This lack of clarity is due, in part, to textual difficulties within the sugya, and as we make our way through the dialectic I rely on the critical analyses of scholars Christine Hayes and Zvi Arye Steinfeld to help us navigate through snags in the argumentation.[77] I argue, however, that the textual difficulties that these scholars identify are not incidental, but rather participate in a program of obfuscation. In my view, the reason that the rationale for the peculiar strictures on Gentile wine remains obscure, even in the context of a discussion that purports to offer explanations, is because the Bavli editors intervene to keep it that way. Adopting esotericism as a rhetorical approach, the Bavli here enacts the very strategy of concealment that it thematizes in its reading of the mishnaic story of Rabbi Yehoshuʿa.

The sugya opens with a restatement of a tradition mentioned in passing on the preceding page. According to this teaching, the bread, oil, and wine of Gentiles are all prohibited by rabbinic edict: "Bali said that ʾAbimi the Nabatean said in the name of Rav: Their bread and their oil, their wine and their daughters—all of these are among the eighteen things."[78] The fact that the phrase "the eighteen things" receives no further explication in the text suggests that the reference was presumed by the editors to be widely known and understood. But the familiarity of the appellation is somewhat misleading, for as discussions in the Mishna, Tosefta, Yerushalmi, and Bavli indicate, the eighteen things or edicts are by no means a settled matter. There is no consensus about which particular rulings are to be counted among the eighteen. Moreover, the tradition of the eighteen edicts is a story of discord and contention within the ranks of the early rabbis.

The earliest attestation of the tradition reads: "These are some of the laws which they stated in the upper room of Ḥananya ben Ḥizkiya ben Garon when they went up to visit him. They took a vote, and the House of Shammai outnumbered the House of Hillel. They decreed eighteen things on that very day."[79] Ambiguities within this mishna account for much of the disagreement that follows in its wake. The Mishna never reveals the content of the eighteen edicts, and commentators are divided on whether the designation "these" refers backward or forward in the text.[80] Furthermore, despite the tradition's

brevity, the terse narration clearly conveys that something exceptional happened on this one particular day. Hovering in the background is the association of Shammai and his school with stringency, and of Hillel with leniency and magnanimity, and this alone suggests that the Shammaites' rare triumph is an upset.

Other texts explicitly characterize the event as a national tragedy. The Tosefta recapitulates the Mishna's statement, with the following addition: "And that day was as harsh for Israel as the day on which the golden calf was made."[81] The Palestinian Talmud offers the following graphic account: "Rabbi Yehoshuʿa of ʾOnaya taught: The disciples of the House of Shammai took positions below and killed disciples of the House of Hillel. It has been taught: Six of them went upstairs, and the rest of them took positions with swords and spears."[82] While earlier generations of scholars relied on this tradition as a report about violent dissension among the rabbis, Stemberger argues that it is best understood as a fabrication that both elaborates upon the Tosefta's description of the day's grievousness and explains how it came to be that the smaller group of Shammaites came to outnumber the Hillelite majority on this particular occasion.[83] The Bavli offers an account that addresses these issues somewhat differently: "They stuck a sword into the House of Study[84] and said, 'One who would enter, let him enter, but one who would leave shall not leave!' On that day, Hillel sat crouched before Shammai like one of the disciples, and it was as harsh for Israel as the day on which the [golden] calf was made."[85] While the Bavli's story is less bloody than the tradition of Yehoshuʿa of ʾOnaya preserved in the Palestinian Talmud, given the grievousness of public humiliation in the value system of the Babylonian rabbis, the dressing down of Hillel is no less expressive of violent upset than the threat of the sword.[86] Both talmuds thus associate the Shammaites' eighteen edicts with disaster.

According to historian Heinrich Graetz, the showdown that occurred in Ḥananya ben Ḥizkiya ben Garon's upper room was ingrained in communal memory because it led inexorably to the Jewish revolt and to the national catastrophe that followed. Graetz places these events in 66 CE and argues that at the time, the Shammaites were closely aligned with the Zealots. He proposes that in imposing new separations between Jews and non-Jews, including a controversial ban on the acceptance of Temple sacrifices from the Roman authorities, the Shammaites effectively threw their support behind rebellion and declared war on Rome. Graetz's theory was embraced

by scholars for a long time before it was ultimately discredited.[87] It is now possible to appreciate the theory as but a modern attempt to account for the grievousness that the Tosefta associates with the Shammaites' triumph. Even without burdening the memory of the Shammaites' majority with the full weight of Jewish national defeat and dislocation, however, it cannot be denied that the mere association of the prohibition on Gentile wine with the passage of the eighteen edicts is fraught. Bali's report that Rav counts this prohibition among the eighteen edicts tacitly associates the law both with stringency and with conflict.[88] The Bavli's admission that the prohibition on wine is a rabbinic edict is thus in itself suggestive of controversy.

Rav's partial list of the eighteen edicts includes two different categories of prohibition, bringing the chapter's twin interests in sex and food together in an explicit way.[89] The bans on bread, oil, and wine are directly relevant to the preceding discussions in the Bavli, where, as we have seen, the editors expand upon the Mishna's list of prohibited foodstuffs. The prohibition on "their daughters" is mentioned here for the first time, and so it is not surprising that the Bavli immediately zeroes in and raises the question: "'Their daughters'—To what does this refer?"[90] It is at this point that the sugya gets complicated, and my discussion necessarily gets more technical. As Christine Hayes has demonstrated, having raised the question of what "their daughters" means, the Bavli's dialectic now takes a surprising turn, as the ensuing deliberations pivot between two alternative explanations for what the decree against "their daughters" means, without clearly acknowledging that there are two discrete possibilities in play. The most obvious understanding of "their daughters" is that it refers to a prohibition on intermarriage with Gentile women. Since by this time in the chapter we have already encountered passing concerns raised about intermarriage in the context of the Bavli's discussion of prohibitions on beer and bread, this explanation seems practically self-evident.[91] Moreover, as Hayes demonstrates, this is the explanation that is presumed in the continuation of the sugya itself.[92] Nevertheless, the straightforward interpretation of "their daughters" as a prohibition on intermarriage becomes obscured in the sugya, because an alternative explanation intervenes. Following immediately on the heels of the question "To what does this refer?" the following tradition appears: "Rav Naḥman bar Yitzḥak said: They decreed regarding their daughters that they are menstrually impure from their cradles."[93] Both Hayes and Steinfeld argue that Rav Naḥman bar

Yitzḥak's statement about the impurity of Gentile women is a belated insertion that derails the original logic and flow of the argument.[94] Be that as it may, the fact that in its current state the sugya preserves two alternative interpretations of "their daughters" makes for a great deal of difficulty in construing the passage. It is only as the sugya continues, however, that there are indications that this obscurity is the literary effect that is desired.

As the sugya unfolds, strategic silences on the part of the anonymous editors confirm that there is a deliberate program of concealment at work: "And Geneva said in the name of Rav: They dealt with all of them on account of idolatry.[95] For[96] when Rav ʾAḥa bar ʾAda came, he said that Rav Yitzḥak said: They decreed against their bread on account of their oil. But how is oil stricter than bread? Rather:— They decreed against bread and oil on account of their wine, and against their wine on account of their daughters, and against their daughters on account of another matter, and against another matter on account of another matter."[97] With this exchange, the sugya shifts from a discussion of the content of the rabbinic decrees to an investigation of the rationales for the decrees. The Bavli reports two different traditions regarding these rationales: According to Rav, concern about idolatry is the underlying reason for the whole array of rabbinic injunctions. Rav Yitzḥak offers an alternative explanation, arranging the series of decrees in a chain and proposing that each successive stricture serves as a hedge distancing Jews from even more grievous infractions. This line of explanation stops short of revealing the ultimate grounding for the chain of prohibitions, however, when it cryptically identifies the reason for the prohibition on Gentile daughters as "on account of another matter."

The Bavli thus presents two very different accounts for why early rabbis imposed new decrees. According to Rav, the prohibitions on eating with non-Jews and the prohibition on intermarrying or having sex with non-Jews are all motivated by the compulsion to distance Jews from idolatry. Rav Yitzḥak, on the other hand, distinguishes among the various decrees (at least as reconstructed by the anonymous voice of the Bavli).[98] According to Rav Yitzḥak, the strictures on Gentile bread and oil were put into place so as to preclude transgression of the more serious prohibition on Gentile wine, and the strictures on Gentile wine were put into place so as to preclude transgression of the even more serious prohibition on Gentile women. In ranking the various prohibitions as he does, Rav Yitzḥak hints at a

rationale for why the ancient rabbis make the prohibition on wine so much stricter than the prohibition on all other foods—as a social lubricant, wine is far more directly implicated in dissolving social distance between Jews and non-Jews than are other foods. Despite the explanatory power of Rav Yitzḥak's statement with regard to wine, however, the overall effect of his teaching is not to clarify matters, but rather to further obscure them. Tracing the motivation for rabbinic edicts back by successive degrees, only to leave the final two links in the chain as unknowns, Rav Yitzḥak's teaching ensures that the ultimate reason for the rabbinic injunctions remains a mystery.

It is impossible to know whether the concealment of these "other matters" is original to the tradition attributed to Rav Yitzḥak, or whether the editors intervened to conceal that which Rav Yitzḥak's statement originally revealed. In either case, despite the secrecy that our version of the Bavli maintains, the highly patterned structure of Rav Yitzḥak's statement does offer some important clues that guide my interpretation:

> They decreed against bread and oil on account of their wine,
> And against their wine on account of their daughters,
> And against their daughters on account of another matter,
> And against another matter on account of another matter.

In this causal chain, each known member of the series, save the first one, is mentioned twice. Thus, "their wine" is designated both as the trigger for a lighter prohibition on bread and oil and as a prohibition in its own right. Keeping this pattern of repetition in mind, it seems likely that though the cryptic term "another matter" appears three times, there are only two unknown variables to decipher. According to my reading, the chain of injunctions maintains a uniform structure throughout, and every item in the series—whether specified or not—is part of a single vector of causation that can be diagrammed like this:

bread/oil ⇐ wine ⇐ daughters ⇐ another matter *x* ⇐ another matter *y*

Hayes's proposal for how to decipher the unknown variables reflects this pattern of reading, when she tentatively proposes that "another matter *x*" refers to idolatry and "another matter *y*" refers to immoral sexual behavior.[99] This would mean that the secret concealed in Rav Yitzḥak's statement is that sexual relations with non-Jewish women are prohibited because they might lead to idolatry ("another matter

x"), which in turn might lead to sexual transgression ("another matter *y*"). In support of this proposal, Hayes points out that such a causal chain is consistent with biblical warnings about the dangers of foreign wives.[100] There is a problem with her interpretation, however. As an iron-clad scriptural interdict, the prohibition of idolatry could never occupy a penultimate position on this list. While the sin of idolatry might itself anchor a chain of prohibitions and thus serve as the ultimate grounding for any number of rabbinic edicts,[101] it could never be identified as a rabbinic edict in itself.

The Bavli's own proposal for how to decipher the unknown "other matters" is unsuccessful for other reasons. Though I judge Hayes's proposal a misfire, it at least honors the rhetorical structure of Rav Yitzḥak's tradition. The Bavli editors—perhaps sensitive to the difficulty of identifying a transgression that is more objectionable than sleeping with Gentile girls, yet not already prohibited by Scripture—do not read Rav Yitzḥak's statement as a single chain of causation, but break it up into two separate statements:

bread/oil ⇚ wine ⇚ daughters ⇚ another matter *x*.
another matter *y* ⇚ another matter *z*

According to this construal of the tradition, there are not two unknowns to be identified, but three: "Another matter *x*" grounds the rabbinic prohibitions against Gentile bread, oil, wine, and women, while "another matter *z*" provides the rationale for an entirely different rabbinic edict, "another matter *y*." This analysis of Rav Yitzḥak's statement is the only way to make sense of the following proposal: "What does 'against another matter on account of another matter' refer to? Rav Naḥman bar Yitzḥak said: They decreed regarding a Gentile child that he has the ritual impurity of a gonorrheic so that a Jewish child will not frequent his place, and he will not be able to train him in homosexual sex."[102] Though the Bavli ostensibly seeks to uncover the secrets hiding within Rav Yitzḥak's statement, it does not offer an interpretation for what I have designated "another matter *x*," but instead identifies an additional rabbinic edict, one that is not connected to the prohibitions on food, wine, and women. According to Rav Naḥman bar Yitzḥak, in addition to all the other rabbinic injunctions that segregate Jews from Gentiles in this chapter, the ancient sages issued yet another edict: They declared that Gentile children are ritually impure with the goal of precluding intimate relationships between Jewish and Gentile boys.

One clear strength of Rav Naḥman bar Yitzḥak's proposal is that it helps account for why the Bavli would keep these unspecified "other matters" a secret. Given the heterosexual norms of the rabbinic world, it is easy to see why some would consider even the prospect of interreligious homosexual relationships unmentionable. In Chapter 2, I discussed Rav Naḥman bar Yitzḥak's statement and the worlds of anxiety it conveys, not just about Jewish male susceptibility to illicit desire, but also concerning the identity of Jews and non-Jews and the underlying sameness that homosexual attraction entails. Here, however, my interest is focused more narrowly on how the statement functions rhetorically within the sugya's dialectics. As a proposal for the decipherment of Rav Yitzḥak's secrets, Rav Naḥman's statement is clearly lacking. Not only does it disregard the rhetorical structure of Rav Yitzḥak's chain of causation, it fails to address what the secret reason for the prohibition on Gentiles' daughters is.

In different ways, both classical and modern commentators have identified these problems and tried to address them. Steinfeld argues that the statement the Bavli attributes to Rav Yitzḥak is far more extensive than what he actually said, and suggests that Rav Yitzḥak never even purported to provide a rationale—secret or otherwise—for the ban on Gentile women.[103] The medieval commentator Rashi, on the other hand, sets out to smooth the difficulties over by offering a gloss on Rav Yitzḥak's statement that brings it into harmony with the Rav Naḥman bar Yitzḥak tradition. This is how Rashi's commentary reads (with the *dibur ha-maṯḥil*, or lemma, presented in bold): "**And their daughters are prohibited on account of another matter.** Idolatry. **And they decreed against another matter that is not mentioned here on account of another matter.** And not for the sake of idolatry as is explained ahead."[104] Rashi disambiguates Rav Yitzḥak's statement altogether. He identifies what I call "another matter *x*" as idolatry, and refers his readers to the continuation of the sugya, where, as we have seen, Rav Naḥman's statement provides a key for deciphering unknowns *y* and *z*. The version of the talmudic text that Rashi cites is different from our own, and while it is possible that this reflects a different manuscript tradition, it seems as if Rashi or a later copyist is rather proposing an emendation to bring transparency to the Bavli's obscurity.[105] But even as Rashi solves the secret of why the rabbis ruled that Jewish men are not to sleep with Gentile girls (because of idolatry!),[106] his interpretation comes at the expense of much of the sugya's artistry. He not only disregards the patterned structure of Rav

Yitzḥak's statement; he rids the sugya of the concealments that I propose are integral to the sugya's design.

To my mind, the task of deciphering Rav Yitzḥak's unknowns proves difficult because this sugya effectively enacts the very message it conveys: It keeps the reason that early rabbis segregated Jews from non-Jews a secret. We have already seen rabbinic secret-keeping emerge as an overt theme in the Bavli's reading of the mishnaic story of Rabbi Yehoshuʿa. With the introduction of Rav Yitzḥak's cryptic statement, the Bavli editors adopt secrecy as a literary strategy of their own. It is not just that Rav Yitzḥak conceals key information; the specific terminology with which he effects this concealment is significant. The appellation "another matter" that substitutes for the secret information is, to be sure, a very common term, but in this context it has a special resonance, because this is the precise term that the Mishna uses when Rabbi Yehoshuʿa seeks to divert Rabbi Yishmaʾel to "another matter." Rav Yitzḥak's secrecy, paired with a possible allusion to Rabbi Yehoshuʿa's example, is my first indication that there is a deliberate strategy of obfuscation at work.

A second indication of a sustained strategy of concealment is the way that Rav Yitzḥak's tradition stubbornly resists interpretation. As we have already seen, the Bavli's own attempt to decipher Rav Yitzḥak's statement falls flat. Despite Rashi's best efforts, the Bavli's effort to lodge Rav Naḥman's statement about Gentile gonorrheic impurity into the elegant structure of Rav Yitzḥak's statement is not convincing. Contemporary scholars such as Steinfeld and Hayes acknowledge ungrammaticalities within the sugya when they argue that late interpolations confuse the flow of the talmudic argument; their critical approach excavates the Bavli in an attempt to uncover an original, rational argument that can be isolated from the confusion of the sugya in its current state. My approach is different because it attempts to read the Bavli as it has come down to us, as opposed to trying to read through it to a more pristine version. Given the subtle artistry and fine argumentation in evidence elsewhere in the chapter, I find the suggestion that the editors simply fell down on the job when they reached this point in "ʾEyn Maʿamidim" unconvincing. I propose, instead, that the unsuccessful effort to align Rav Naḥman and Rav Yitzḥak participates in the sugya's overall strategy of obfuscation, effectively demonstrating the utter inaccessibility of Rav Yitzḥak's secrets.

To illustrate how this works, let me refer to modern examples of obfuscation, drawn from a critical essay about the writings of Franz

Kafka. In analyzing the particular interpretive difficulties posed by Kafka's writing, Jill Robbins identifies a mismatch between rhetoric and logic, whereby Kafka's characters assert connections that are logically impossible.[107] She illustrates this kind of impossible juxtaposition through an old Yiddish joke she draws from the writings of Sigmund Freud: "A. borrowed a copper kettle from B. and after he had returned it was sued by B. because the kettle now had a big hole in it which made it unusable. His defence was: 'First I never borrowed a kettle from B. at all; secondly the kettle had a hole in it already when I got it from him; and thirdly, I gave him back the kettle undamaged.'"[108]

Robbins points out that while A. presents his three claims as parts of a single argument, in fact each claim cancels the others out. They cannot all be simultaneously true. Robbins proposes that Kafka's writing is often characterized by this same kind of tension between the rhetorical language of argumentation and the absence of logical connection, and that this is one way that Kafka calls attention to the challenge of interpretation. I see something similar going on in the way the sugya asserts a connection between Rav Yitzḥak and Rav Naḥman. That is to say, it might certainly be the case, as Rav Yitzḥak asserts, that a number of the eighteen edicts were passed so as to serve as successive hedges for each other; it might also be the case, as Rav Naḥman bar Yitzḥak reports, that an additional stricture about Gentile gonorrheic impurity was passed so as to prevent homosexual intimacy between Gentiles and Jews. What is impossible to argue, however, is that this ruling about impurity participates in the chain of successive strictures that Rav Yitzḥak describes. Gentile male impurity bears no relationship to the concatenation of prohibitions described by Rav Yitzḥak; it cannot plausibly be advanced as a solution to Rav Yitzḥak's secrets. The illogic thus resides not in either one of the two rabbinic statements, but rather in the editors' assertion of a relationship between them. I am suggesting (somewhat tentatively, to be sure) that in making such a Kafkaesque move, the anonymous editors are, on some level, indicating the impossibility of penetrating Rav Yitzḥak's concealments.

However persuasive my argument for the editors' performance of such rhetorical resistance might be, by this point in the chapter the opening sugya's valorization of a rabbinical student who does not kiss and tell has been reinforced many times over through successive examples of rabbis who keep their mouths shut. I read Rav Yitzḥak's

tradition in this vein and see the doubling of secrets in his statement not as an invitation to interpret, but, on the contrary, as a commitment to secrecy. Burying the reasons for rabbinic pronouncements in successive layers of mystery, Rav Yitzḥak or the editors who encrypt his words emphasize that the ultimate explanation for these prohibitions will remain inaccessible. In my view, the editors do not intercede to smooth over internal contradictions within the sugya (as does Rashi, for example), because they honor the inscrutability that is enshrined in Rav Yitzḥak's unknown "other matters."

WHY SO SECRET?

Over the course of "ʾEyn Maʿamidim," secrecy emerges first as a theme and then as a rhetorical strategy. The particular secrets that the editors protect relate to the reasons for why the early rabbis imposed rules segregating Jews from non-Jews. What accounts for their insistence on keeping silent about these rulings, and how might this secrecy relate to the tractate's oft-noted excess of attention to and anxiety about Gentile wine?

One reason for secrecy is expressed above, in ʿUlla's explanation for why Rabbi Yehoshuʿa conceals the true reason for prohibiting Gentile cheese: so long as the rationale for a given law is disseminated, individuals will exempt themselves from it if they do not find the rationale compelling. Beyond this, however, I detect another reason for the editors' reserve, and it relates to the contentiousness that suffuses traditions about the eighteen edicts. Rabbinic tradition preserves a memory of violent disagreement in connection to this particular set of laws, which carries the taints of both stringency and factionalism by virtue of its association with the Shammaite minority. In counting the rules of yeyn nesekh and other such prohibitions among the eighteen edicts, the Bavli's editors disclose their own misgivings about these strictures, albeit in a covert and subtle way. Their subsequent concealments reflect their investment in maintaining the authority and institutions of rabbinic law, despite these misgivings.

In his study of domination, social scientist James C. Scott provides an account of strategic silence among the ranks of the powerful that I take as an apt description of the editors' impulse toward secrecy:[109] "The advantages of keeping discord out of sight are obvious enough. If the dominant are at odds with one another in any substantial way, they are, to that degree, weakened, and subordinates may be able

to exploit the division and renegotiate the terms of subordination. An effective facade of cohesion thus augments the apparent power of elites. . . . Under nearly any form of domination, those in power make a remarkably assiduous effort to keep disputes that touch on their claim to power out of the public eye."[110] Scott's analysis can help us understand why even the slightest suggestion of disagreement about the stringencies of yeyn nesekh might spark a compensatory move to suppress and conceal. As powerful elites, rabbis had a stake in concealing disagreements within their own ranks. For the talmudic editors to disclose any compunctions about rabbinic legislation would be to betray their own interests in maintaining a smooth facade of unanimity. In covering over memories of rabbinic contentiousness, the editors shore up their own authority.

I propose that there are two big cover-ups within "ʾEyn Maʿamidim." The first one relates to the differences between Jews and non-Jews, because the editors of the Bavli recognize that Jews are not nearly so distinct as some rabbinic teachings make them out to be. Like other people, Jews are animals by nature, vulnerable to impulse, sexual attraction, and unruly drives. The difference between Jews and non-Jews is hardly detectable, because it inheres not in nature but in the Jewish submission to law. Wine seeps into this story in a variety of ways: potent and pungent, it vivifies sociality and threatens to loosen strictures and quicken desire. Normatively, laws and customs governing the use of wine constitute communal boundaries and establish sacred community. Figuratively, images of sloshing liquids and brimming vessels convey the challenge of sealing off substances and of separating like from like. The first scandal that the Bavli leaks in its treatment of the laws of Gentile wine is the story of the underlying similarities that unite Jews with all other people.

The second scandal that this chapter does not altogether conceal relates to rabbinic power and prerogative. Given the contingency of Jewish identity, and given that submission to Jewish law is the sole demarcation of Jewish difference, in casting themselves as the authorities who determine the law the rabbis claim for themselves the power to decide the boundaries of the Jewish community and the meaning of Jewish identity. In this context, storytelling about the relative force of scriptural versus rabbinic authority masks a coarser conversation about rabbinic hegemony. The ascendant power of the rabbis to impose stringencies that are not anticipated in Scripture exposes the degree to which the rabbis' relationship to law is one of domination

rather than submission. It is this story of rabbinic domination that best accounts for the concealments, confusions, and convolutions in the Bavli's deliberations about Gentile wine. The Bavli editors' own interest in preserving rabbinic authority over Jewish law leads them to collude with their predecessors in covering the Tannaim's tracks, concealing the degree to which the surprising strictures of yeyn nesekh originate with the rabbis and not with Scripture.

DIGESTIF

The laws of yeyn nesekh are difficult in more than one respect. The legal reasoning in these talmudic discussions is complex and sometimes confounding, and beyond these challenges are difficulties of another order, problems of ethics and politics. Historically, these laws have been an economic liability and a source of tensions between Jews and others.[111] Even a generous reading cannot deny that the strictures codify segregation from—if not moral superiority over—non-Jews. In this chapter, I have sought to demonstrate that these two species of difficulty—the rational and the ethical/political—are not unconnected. The Bavli's convoluted arguments about the rationale for the laws of yeyn nesekh betray the talmudic editors' own compunctions about the sources and meanings of these strictures. One reason the legal reasoning is so hard to penetrate is that the editors pursue a deliberate strategy of obfuscation, trying to obscure the degree to which this whole body of law is an act of rabbinic fiat.

In "ʾEyn Maʿamidim," law is presented as a crucible for the refinement of the human personality, for the constitution of Jewish community, and for the expression of rabbinic power. The Bavli editors recognize the laws of Gentile wine as chief among a whole complex of rabbinic institutions that serve to separate Jews from non-Jews. In their view, the strictures of Jewish law that impede Jews from drinking with others, from eating with others, from marrying or having sexual liaisons with others do not mark a boundary line but rather construct one. With literary artistry and diplomatic restraint, the editors identify the laws governing the use of Gentile wine as a rabbinic innovation, instituted for the sake of imposing difference where none would otherwise exist. My account addresses the inordinate amount of attention that AZ pays to wine by reading the Bavli's deliberations about yeyn nesekh as part of a larger literary project about the meaning of Jewish identity and the nature of Jewish difference. My

argument is that despite the title "ʿAvoda Zara," the editors of AZ are far more centrally concerned with social relationships between Jews and others than with questions of worship or theology. As we have seen, concern about idolatry is by no means absent from these discussions. Thus, in the sugya excerpted above, a tradition attributed to Rav teaches that the aim of prohibiting eating, drinking, and sleeping with non-Jews is to distance Jews from idolatry. Alongside this tradition, however, is a preponderance of material that suggests that the real danger of relationships with non-Jews is not idolatry, but the threat of more and deeper relationships. Dealings with non-Jews awaken risks of sexual temptation, of moral debauchery, and of the disintegration of communal boundaries. In my view, it is this fear of social dissolution that is the primary impetus for the imposition of bans on commensality. Contrary to the centuries-old tradition of defending AZ from accusations of anti-Christian sentiment by arguing that the only non-Jews that AZ disparages are idolators, I am arguing that the laws of yeyn nesekh are fundamentally engaged with separating Jews from non-Jews of all kinds. The strict ban on Gentile wine emblematizes the way that rabbinic law functions as a social barrier. In the absence of essential differences that distinguish Jews from non-Jews, law intervenes to impose communal boundaries.

In tracking the recurring motifs that coil through "ʾEyn Maʿamidim," we have followed the editors of AZ as they trace a path of descent down the chain of being that contemporary scholars identify as "the animacy hierarchy." Over the course of its first two chapters, AZ moves from stories of human martyrs and their disembodied souls to discussions of warm-blooded cattle, to slithering snakes, to yeasty wine and bread. As AZ continues, it travels still further down the spiral of being, turning its attention to objects of wood and stone. In the middle of the tractate, idolatry for the first time takes its place at the center of the talmudic discussion. The Bavli transforms rulings about statues, stones, and sacred groves into a study of human relationships with the physical world, drawing on Jewish and non-Jewish sources as it examines what the world is made of.

CHAPTER 4

Ethics and Objects

Those masterful images because complete
Grew in pure mind, but out of what began?
A mound of refuse or the sweepings of a street,
Old kettles, old bottles, and a broken can,
Old iron, old bones, old rags, that raving slut
Who keeps the till. Now that my ladder's gone,
I must lie down where all the ladders start
In the foul rag and bone shop of the heart.

—William Butler Yeats, "The Circus Animals' Desertion"

THE BAVLI'S RAG AND BONE SHOP

In "Kol Ha-tzlamim," AZ examines things made of metal, wood, and stone, including sculptures and structures, images and idols, tools, vessels, and jewelry. The significance of the Bavli's turn to idols and other objects in this chapter can be read in two very different ways, depending on one's understanding of the tractate as a whole. One explanation is that the Bavli is merely following the Mishna's lead, precisely as one would expect from a commentary. Indeed, it is in chapter 3 that m. AZ first centers its attention on idols, at long last engaging the idol worship that gives Tractate ʿAvoda Zara its name. As I have already intimated, however, I think there is more going on. I read the Bavli's engagement with idols and other things in "Kol Ha-tzlamim" as part and parcel of an overarching literary scheme that spirals down through the Chain of Being, journeying from the supernal realm of disembodied souls (in "Lifney ʾEydeyhem") to the fleshy materiality of animals (in the beginning of "ʾEyn Maʿamidim") to the organic ferment of wine and food (in the continuation of "ʾEyn Maʿamidim") before arriving in the realm of inanimate objects (in "Kol Ha-tzlamim" and "Rabbi Yishmaʿel"). In this section of the tractate, as the Bavli editors investigate the different ways Jews

and non-Jews invest artifacts with meaning, they trace the furthest reaches of ethics, delimiting the ways in which people might appropriately relate to things.

In the course of discussing idols, the Bavli weighs in on a range of philosophic questions that were vigorously debated in late antiquity: What is the essence of an object? What is the relationship between matter and form? What is the relationship between an object and its copies? These questions of ontology and mimesis engaged Greek philosophy from its pre-Socratic days, and they emerged with new vigor in the encounter between pagan and Christian philosophers in the very centuries that the Bavli was taking shape. Contact with pagan idols was not a regular part of everyday life for the Babylonian sages as it was for Jews and Christians living in Palestine and other parts of the Roman Empire, and other scholars have detected this cultural difference in the relative leniency of the Bavli's rulings about idols. I seek to demonstrate that while the Babylonian rabbis were at a cultural remove from the cultic life of imperial Rome, they were nonetheless engaged with the philosophic currents of their time. Their deliberations about the status of idols became an opportunity to address questions about the nature of the material world and about art.

Even as the Bavli engages questions of ontology and mimesis, it consistently brings its discussion of objects into the service of ethics. Thus, over the course of this section of the tractate, dialectics about the nature of material things and the status of images give way to narrative accounts of encounters between Jews and non-Jews. Describing the relationships among Jews, non-Jews, and the objects they make, find, use, and revere, the Bavli proposes that material things are only as important as humans consider them to be. Though the talmudic discussions I examine are strewn with objects, ultimately human attitudes and relationships edge out objects as the primary focus of the Bavli's concern. The keen attention that the Bavli pays to material things in "Kol Ha-tzlamim" and "Rabbi Yishmaʿel" anticipates a recent turn in critical theory, in which scholars from diverse fields engage the "life" of inanimate objects. I propose that rabbinic literature's focus on what objects mean to people can help broaden and deepen current discussions about material things. As I show, the issues broached by the "new materialisms" are in fact very old.

The emphasis on human experience in the Bavli's discussion of idols and other objects means that there is a strong sense in which this section of the tractate bears out my overarching thesis, that AZ is

centrally concerned with investigating what distinguishes Jews from non-Jews, what they share in common, and, by extension, what it means to be a human being. At the same time, there are several striking ways in which this section of AZ diverges from my account of the talmudic tractate as a cohesive work about the human condition.

First, with regard to content: I opened my analysis of AZ with the claim that the title "ʿAvoda Zara"—"foreign worship" or "idolatry"—is a misnomer for this tractate, at least in its talmudic guise. In AZ's opening chapters, the editors pay far more attention to the social, sexual, and economic relationships that link Jews with non-Jews than to discussions of forbidden cultic practices or theology. With the beginning of "Kol Ha-tzlamim," however, the Mishna for the first time puts idols front and center, and the Bavli's treatment of the Mishna follows suit. Beginning on page 40b and continuing through 55a, ʿAvoda Zara comes to serve as a fitting title for the talmudic discussions. On the whole, there is less engagement with relationships between Jews and non-Jews, and less overt attention to the question of what it means to be human. The talmudic discussion remains largely focused on the particular legal issue addressed by the Mishna: Under what conditions might objects associated with idolatry legitimately be claimed for use by Jews?

With this turn to the topic of idolatry in "Kol Ha-tzlamim" comes another departure, this one relating to form and to the extent of editorial interventions in shaping the talmudic discussions. Earlier, I argued that by attending to those materials that diverge from the topic at hand in the Mishna, one can discern the degree to which the editors of the tractate exceed their commentarial task, creating a distinctive literary work. I observed how in "Lifney ʾEydeyhem" and in "ʾEyn Maʿamidim," the Bavli enlarges upon the mishnaic material, introducing themes and motifs that the Mishna does not anticipate and that commentary does not require. In these opening chapters of AZ, recurring literary motifs and overarching themes lend a sense of unity and cohesion to discussions that wander far afield from the Mishna's rulings. When we come to "Kol Ha-tzlamim," however, this expansiveness largely disappears. Here, the Bavli seldom strays from the topics introduced by the Mishna, and the discussion moves briskly from mishna to mishna.

This shift in the extent of editorial intervention is strikingly evident in the contrasting ways the Bavli editors address the problematic chapter divisions they inherit from the Mishna. As I have already

noted, the five chapters of m. AZ do not correspond to the thematic organization of the tractate. Partitioning the mishnaic tractate according to its themes would generate three main sections:

A. commercial relationships with non-Jews (m. AZ 1:1–2:10)
B. idols (m. AZ 3:1–4:7)
C. Gentile wine (m. AZ 4:8–5:15)

These sections, however, bear further subdivision since such a large portion of Section A is dedicated to Gentile wine, the dominant theme in 2:3–10. This means that chapter 2 ("ʾEyn Maʿamidim") and chapter 4 ("Rabbi Yishmaʿel") are both internally riven; both juxtapose two distinct bodies of law within a single chapter.[1] As we have already seen, in the case of "ʾEyn Maʿamidim" the Bavli editors address this incoherence by effectively imposing their own literary shape on the Mishna's disparate materials. When the Mishna abruptly jumps from a discussion of Gentile service providers (cattle stallers, wet nurses, circumcisers, and healers) to the laws of Gentile wine, the Bavli editors unite the two discussions by weaving the motif of animals, and especially of snakes, through the chapter as a whole. In the case of "Rabbi Yishmaʿel," however, no such literary intervention is in evidence. The first half of the chapter (treatment of m. AZ 4:1–7, extending through b. AZ 55a) expands upon the themes and legal issues under discussion in "Kol Ha-tzlamim," while the remainder of the chapter (55a–61b) follows the Mishna in veering off into a discussion of the production of wine. "Rabbi Yishmaʿel" remains thematically divided in precisely the same way that the mishnaic chapter is. Here, I treat the extended section of AZ that includes both "Kol Ha-tzlamim" and the first portion of "Rabbi Yishmaʿel," because this extended section functions as a single literary unit.

"Kol Ha-tzlamim" and "Rabbi Yishmaʿel" thus diverge from my earlier portrait of AZ in two related ways: first, by engaging directly with the theme of idolatry, and second, by minimizing literary expansions and staying close to the mishnaic topics at hand. The task before me is to demonstrate that this talmudic material nonetheless bears out my argument that the Bavli editors pursue a distinctive literary project in AZ, using the tractate as an occasion for setting out their views on what it means to be a Jew and a human. I have already sketched out an initial suggestion for how discussions of idols and objects fit into the tractate's thematic unfolding, with my proposal that the editors trace a path down through a cosmic chain of being. Here, as the

editors descend yet another rung, they investigate human relationships with physical objects, both in the natural environment and in the worlds constructed by people. In this section, AZ engages themes of nature and culture, of representation and art, of work, workmanship, and care in relation to the range of things that populate the lives of humans. Even as the Bavli editors follow the prompts of the Mishna in explicating the limits of acceptable behavior in relation to images, idols, and other objects, they are at the same time advancing their own distinctive literary project, shading in the contours of human existence by exploring how Jews and other humans relate to the physical environment.

I would further argue, albeit more tentatively, that the emergence of editorial restraint at precisely this point in the tractate—the point at which Mishna ʿAvoda Zara explicitly turns to the eponymous issue of idolatry—is to some extent a confirmation of my claim that the Bavli editors are chiefly interested in possibilities for human relationships, and not in cultic practice. That is, if I am right that the editors extend relatively fewer creative energies to reworking and reshaping the tannaitic materials about idols than they do in expounding upon relationships with Gentiles, the disparity can be read as a measure of the editors' investment in the different topics. I am thus making two related claims about the Bavli's discussion of idols and other objects in "Kol Ha-tzlamim" and the beginning of "Rabbi Yishmaʾel." First, the discourse in this section is more engaged with commentary, more subservient to the Mishna, and less creatively expansive than earlier chapters of the tractate are. Second, to the degree the Bavli does extend and expound upon the issues laid out in the Mishna, these expansions edge the discussions of idols away from cultic issues and toward considerations of philosophy and ethics, areas that allow for relationship and exchange between Jews and Gentiles.

I am not the first to suggest that idols were not a hot topic for the Babylonian sages. Other scholars, noting that the Bavli is far less engaged with questions relating to idols than the Palestinian rabbinic works are, read the Bavli's relative reserve about these issues as an index of the differences between the sculptural environments of Sasanian Babylonia on the one hand and Roman and Byzantine Palestine on the other. These scholars explain that unlike their Palestinian counterparts in cities like Akko and Tiberias, the Jews of Babylonia—whether urban or provincial—simply did not regularly encounter pagan images in their day-to-day life, and so they had little

to say about them.[2] Without discounting the relevance of this kind of analysis, alongside a consideration of the Sasanian context of the Bavli, I read the Bavli's treatment of idols and other objects within another frame, the *literary* context of the talmudic tractate as a whole. Through close readings of discrete passages from "Kol Ha-tzlamim" and the beginning of "Rabbi Yishmaʿel," I seek to demonstrate how the Bavli editors examine the topic of idols through a distinctly anthropological lens, engaging the mishnaic materials about images and artifacts as part of their larger investigation of what distinguishes Jews from non-Jews, and of what all people share in common.

One central question that runs through the Bavli's discussions is this: Under what conditions may old things be enlisted for new purposes and put to use? In this sense, the Bavli editors exhibit an ecological impulse similar to that described in Yeats's poem, cited in the epigraph. Like Yeats, the editors of the Bavli pay keen attention to the scattered detritus and debris of human existence, asking themselves what can be made of abandoned utensils, shards of statues, and other found objects. In the poem, the odds and ends the poet discovers in the "rag and bone shop of the heart" are repurposed into a meditation on the sources of artistic inspiration, exploring the link between material existence and human imagination. In the Bavli's workshop, rabbis pick through similar themes and hammer out an argument that what a thing is depends almost entirely on what people consider it to be. Proposing that the meaning, function, and definition of a thing emerge in the light of human intentionality, the Bavli suggests that it is not only the imagined worlds of art and poetry that are forged in the human mind, but the real-world realm of human habitation, too. In the passages we examine below, the Bavli invests humans with responsibility for constructing the worlds they inhabit.

Before turning to texts from this section of the Bavli, I briefly introduce two different bodies of scholarship that together inform my readings. First, I survey new approaches to objects that have emerged in recent scholarship, and then I discuss treatments of idolatry and image-making in both primary and secondary sources.

OBJECT LESSONS

Objects are a new object of study in philosophy and critical theory, with a spate of recent works advancing the posthumanist project of decentering the human subject by focusing instead on things. Some

argue for a new materialism on ontological grounds; they seek to unseat centuries of anthropocentric bias in the Western tradition so as to achieve a better grasp of the nature of reality in its vast, complex plenitude. Others appeal to ethics: pointing to the ecological disaster that has resulted from elevating humans above all else, they seek a theoretical corrective that will enhance human responsibility by putting people in our proper place. Jeffrey Jerome Cohen captures the broad outlines of this turn to things when he encourages his readers to "imagine a world that does not revolve around humans, but a multiply centered expanse where we are one of many entities possessing agency, narrative power, philosophic weight, and dignity."[3] He argues that "*things matter* in a double sense: the study of animals, plants, stones, tracks, stools, and other objects can lead us to important new insights about the past and present; and that they possess integrity, power, independence and vibrancy."[4] This appeal to give things their due offers a promising avenue of inquiry as we turn to the Bavli's discussion of idols, implements, and other objects in "Kol Ha-tzlamim." In this section, I survey the new materialisms in search of insights and methodologies that can further our investigation of the Bavli's treatment of material things.

Entry into the scholarly world of things is disorienting, however, as it means leaving behind the narratives and hierarchies that order the world for the rabbis, and also for Plato, Aristotle, and all their heirs. For some thing-theorists, approaching objects on their own terms yields a radical vision in which not just philosophic concepts but also conventional, everyday habits of thought break down. Dualities such as big/little, part/whole, past/present, nature/culture, subject/object, and abstract/concrete all dissolve in this alien terrain where cupcakes, gamma rays, and Zoroastrianism all exert equal claims for existence and for philosophic consideration. Arguing for an approach he dubs "object-oriented ontology," or "OOO," Ian Bogost explains that

> OOO puts things at the center of being. . . . OOO contends that nothing has special status, but that everything exists equally—plumbers, cotton, bonobos, DVD players, and sandstone, for example. In contemporary thought, things are usually taken either as the aggregation of ever smaller bits (scientific naturalism) or as constructions of human behavior and society (social relativism). OOO steers a path between the two, drawing attention to things at all scales (from atoms to alpaca, bits to blinis) and pondering their nature and relations with one another as much with ourselves.[5]

While such an orientation might indeed offer a truer account of the nature of reality than our established patterns of thought, it is so distant from the discursive world of the rabbis that it closes down more than it opens up. As Bogost himself acknowledges, OOO has little to offer ethics, which is always "inside" the human.[6] An ontology focused on objects might indeed sharpen a critique of the Bavli's human-centered hierarchies, but it will not enrich our understanding of the worlds of meaning that the rabbis construct.

Of course, taking *things* seriously does not have to mean foreclosing the examination of human meanings. As we have seen, Jeffrey Jerome Cohen argues that an orientation toward objects enhances our understanding of the human condition. Philosopher Jane Bennett goes even further, advocating for the view that material objects possess power and vitality on the grounds that such an attitude generates an ethics that is ecologically responsible and, ultimately, better for humans as well as for other beings.[7] She paints a picture of the inanimate world that is charged, dynamic, and alive, full of diverse objects and substances that act together and apart to make things happen.[8] For Bennett, the world whirs with myriads of actants that work within, without, and alongside human agents. She acknowledges that this view has consequences for how we understand human responsibility: in a world of "distributed agency," it is far more difficult to muster the moral outrage that can contribute to justice and democracy, and to hold specific humans accountable for their individual misdeeds.[9] Nonetheless, she characterizes her vision of "vibrant matter" as an ethical one, and calls for a kind of sympathy with metals, viruses, machines, and debris, for "a chord . . . struck between person and thing."[10] In her words, "We need to cultivate a bit of anthropomorphism—the idea that human agency has some echoes in nonhuman nature—to counter the narcissism of humans in charge of the world."[11] For Bennett, an excess of anthropomorphism is an acceptable cost in combating anthropocentrism. In contrast to the alien terrain of Bogost's ontology, Bennet's program is centrally concerned with ethics, and her prose brims with passion and caring for humans and for the world.

At the risk of oversimplifying two important contributions to critical theory, I could sum up the difference between Bogost and Bennett by suggesting that Bogost objectifies humans while Bennett humanizes objects. I would argue that Bennett's ethics is even more remote from rabbinic understandings than Bogost's ontology. As we shall see

when we turn to the Bavli's discussions of idols, images, and other objects, even as the Bavli nuances and enlarges upon biblical and tannaitic law, the rabbis never swerve from the Bible's fundamental rejection of the notion that artifacts manufactured by humans can partake of any power or vitality in themselves. The world of vibrant materialities envisioned by Bennett bears a family resemblance to the very idolatries that the rabbinic laws of AZ expressly oppose. While one can imagine a more nuanced consideration of material things emerging from the clash between Bennett's arguments and Jewish and Christian traditions opposing idolatry, such a constructive project lies far beyond the scope of my investigation of the Bavli. Given my initial goal of finding a helpful tool with which to approach talmudic discussions of material objects, my brief foray into the new materialisms seems to have reached an impasse. To the degree that Bogost's stark ontology and Bennett's enchanted ethics are representative, the recent critical turn to objects would seem to have little to contribute to the study of rabbinic literature.

The study of rabbinic literature, however, might have something to contribute to the new critical turn. This, at least, is one promising avenue that a recent study of rabbinic purity law by Mira Balberg opens up.[12] As Balberg demonstrates, ancient rabbis were keenly engaged with material objects—they made things and used things, as all people do, and they also thought, talked, legislated, and cared about things with an intensity that in some ways anticipates the recent turn in critical theory. Balberg makes a significant contribution not only to the study of rabbinic purity but more generally to our understanding of rabbinic ways of ordering the world when she interprets the welter of tannaitic purity laws as an expression of who and what the Tannaim valued. As Balberg points out, purity laws only apply to those material objects that human beings deliberately claim for human use, and they only apply for as long as those artifacts are deemed valuable or are still in use. This key insight leads to the following principle: that which arouses the care and concern of human subjects is susceptible to impurity; that which lies beyond the circle of human interest is not addressed by the laws of purity.[13] Balberg's proposal to read purity laws as a map of rabbinic relationships with the world yields a distinctive outlook on material objects. In this strain of materialism, objects possess agency, influence, and meaning, but only in the world as constructed and experienced by human subjects.

Balberg's account of a distinctive rabbinic outlook on material objects begins with her observation of the Mishna's curious tendency to use the same terminology and categories in describing the human body as in describing artifacts.[14] For example, the Mishna describes the parts of the human body as "appendages," the same language it uses in relation to beds, pots, and other things that can be broken down into component parts. Furthermore, in the Mishna, human bodies are variously described as functioning as "tents," "dams," and even as "seals" for cracks in the ceilings. Procedures of purification are the same for human bodies and for objects, and, according to Balberg, the Mishna depicts humans and artifacts as being "equally passive and motionless" in these procedures.[15] All of this leads Balberg to conclude that for the Mishna, "the human body is clearly and emphatically a thing among things."[16] Balberg goes on to defend the Mishna against the accusation that the purity laws "objectify" the human body and thereby diminish the human, and argues persuasively that in the world of scarce resources and handicraft inhabited by the rabbis, to be compared to a pot or a piece of furniture is not the diminishment that it might appear to be today.[17] From the perspective of today's critical theorists, however, the Mishna's matter-of-fact treatment of the human body as a thing among things is not at all controversial. For OOO, the observation that humans are made of the same stuff, and share the same physical properties as other things, is elementary. Where the Mishna can serve the new materialisms most, I would argue, is in addressing the relationships between objects and humans.

According to Balberg, "the rabbis did not 'relegate' bodies to the level of artifacts as much as they 'elevated' artifacts to the level of bodies, or more concisely, they did not objectify humans as much as they humanized objects."[18] By "humanization," Balberg refers to something very specific: since the primary locus of impurity is the human body, impurity only affects those objects that are actively and intentionally drawn into the realm of the human, and effectively transformed into extensions of the human body. Her description of this process of humanization draws on Karl Marx, who defines tools and artifacts as extensions of the human body into the world, and theorizes about how the human investment of labor into natural resources transforms things of nature into "man's inorganic body."[19] This account of how specific objects are claimed and appropriated as instruments of human subjectivity provides a striking contrast to

Bennett's appeal for an indiscriminate consideration for all things. In contrast to Bennett, who elevates objects by animating them with agency and the touch of human sympathy, the Mishna suggests that there is indeed a real comparison to be made between human bodies and material objects, but that it moves in an opposite direction from the argument that Bennett pursues. The mishnaic materials as read by Balberg suggest that the important point of comparison between humans and objects is not that objects are animate (like humans), but rather that humans are bodies (like objects.)[20] As bodies in space, humans and objects are buffeted by the same forces, their bounded materiality lending them both heft and vulnerability.

For the Mishna, the ontological equality of humans and things is the starting point, not the end point for the discussion. Tacitly acknowledging that human hands, buckets, axes, and blankets share a common materiality, the Mishna focuses its attention on how a particular hand or a specific ax comes to be identified with a human subject, and is thus invested with meaning. I am suggesting that the tannaitic view as interpreted by Balberg resembles the new materialisms in that it affirms the importance of objects and calls attention to how agency is distributed among humans and other actants; it does this, however, without embracing the anthropomorphism that Bennett promotes. In the Mishna, the vital force that a thing commands is lent to it by people. While critical theorists might decry the anthropocentrism that dominates the Mishna's orientation, there is another way to think about this. Given that any theory about objects necessarily passes through the human experience of the theorist, in placing its focus on how humans lay claim to objects the Mishna registers how human perception laminates all the things people use and think about. Whether an object is claimed for use in an argument or put to work as a tool, it is always humans who are deciding why and how that thing matters.

In addition to the ways that Balberg's readings of purity law might enrich critical discussions of objects and ethics, there is a specific contribution that her work makes, much closer to home. In the next section, I survey innovations in the Mishna's treatments of idols. Noting how the Mishna differs from biblical antecedents, I demonstrate that the laws and stories presented in m. AZ 3:1–4:7 participate in the same general orientation toward objects that Balberg discerns in her study of m. Taharot. All this is preliminary to my arguments about how the Bavli treats the materials it inherits from the Mishna.

IDOLATRY FROM THE BIBLE TO THE MISHNA

One challenge in offering a diachronic analysis of the concept of *ʿavoda zara* is that there is a shift in terminology from the Bible to the Mishna and beyond. In the Bible, there is no single term attached to the collection of prohibitions that are subsumed under the concept "idolatry." Sometimes, the word that designates other deities is the same word used for Israel's God, *ʾelohim,*[21] and sometimes biblical sources use the term *ʾelilim*, a designation for idols that is always derogatory. While Israel is strongly prohibited from acknowledging or worshiping other deities, the Bible does not consistently deny the existence of other gods.[22] The Bible does, however, deny that idols partake of any divine presence or power, and often ridicules people who worship manufactured objects and images.[23] Though the strong biblical polemic against foreign cults means that polytheism and idol worship are often treated as two aspects of a single offense, in the Decalogue, the locus classicus for Jewish and Christian treatments of idolatry, the ban on worshiping other gods and the ban on images are presented as two distinct prohibitions:

1. I the Lord am your God who brought you out of the land of Egypt, the house of bondage: You shall have no other gods besides Me.
2. You shall not make for yourself a sculptured image, or any likeness of what is in the heavens above, or on the earth below, or in the waters under the earth. You shall not bow down to them or serve them. . . . (Exod. 20:2–5)

To these, the Pentateuch adds other edicts and interdicts, including to reject the practice and laws of other peoples (Lev. 18:3), to refrain from foreign cultic practices (Deut. 12:30–31), and to destroy any idol, altar, and shrine that one encounters in the Land of Israel (Deut. 12:2–3). The prohibition on images is further expanded in Deut. 4:15–20.

Moshe Halbertal and Avishai Margalit emphasize the range of activities that come under the heading "idolatry" when they write: "The prohibition against idolatry entails not only a ban on the worship of other gods but also a ban on certain ways of representing the right God."[24] This core insight goes a long way toward disentangling concepts that are often conflated in Jewish literature, but it fails to recognize that the very treatment of these two bans as components of a single prohibition is largely a function of terminology that arises long after the Bible itself. In the Hebrew Bible, there is no overarching

concept of "idolatry." "Idolatry," from the Greek εἰδωλολατρεία, is a term first used by the church fathers.[25] The term *ʿavoda zara,* which has come to have similar breadth to "idolatry"—and a similarly negative connotation—is first attested in the Mishna. Noam Zohar theorizes that the Tannaim felt a need to replace the Bible's reference to "other gods" with a designation that would more clearly repudiate belief in the reality and divinity of foreign deities.[26] However we account for the origins of the term, it seems that in the Mishna it has a far more restricted meaning than it later comes to have for commentators. It has long been recognized that in the Mishna, *ʿavoda zara* is used in two distinct senses, referring both to the activity of worship, "idolatrous worship," and to the object of worship, "an idol." Zohar argues that while traditional and critical scholarship has generally taken the primary meaning of the term to refer to the prohibited activity, in fact a better interpretation of the term *ʿavoda zara* in the majority of instances throughout the Mishna is not "idolatry," but "idol." If Zohar is right, then with regard to the Mishna at least, the term *ʿavoda zara* has little to do with improper worship of the right God, and relates exclusively to the statues, images, and other artifacts that are prohibited as objects of worship.

I stress the degree to which the terms relating to idolatry have shifted because the tendency to read the Bible through the prism of the Mishna, and to read the Mishna in light of later commentaries, leads to confusions that make the task of identifying the innovations of the Bavli a distinct challenge.[27] Zohar's analysis reveals how narrow the set of concerns addressed in the Mishna is, compared to the scope of biblical interests. While the Bible is variously concerned with the making and worship of idols, the worship of other gods, foreign cultic practices, and the representation of God and of a whole array of other beings, m. AZ is almost exclusively focused on the circumstances under which a Jew may make use of objects that are implicated in other people's idol worship. As we shall see, one way that the Bavli expands upon the Mishna is by introducing a discussion of image making and representation—themes that occupy the Bible but are not developed in the Mishna—into its consideration of what counts as an idol.

Biblical opposition to idolatry is strident and strenuous, and it is expressed through prohibitions and commandments, tirades by the prophets,[28] ridicule by the psalmist,[29] and extended dramatic narratives.[30] In the Mishna's discussion of idols in AZ 3:1–4:7, the tone

is far more reserved and the scope is narrower, and this gives the overall impression that the Mishna is lenient and even tolerant of idolatry.[31] It is important to note, however, that even as the Mishna creates a legal framework that allows Jews to interact with idol worshippers, to live in the presence of pagan statuary, and perhaps even to trade in images and objects connected to the pagan cult,[32] the Mishna's rulings in no way contravene biblical law.[33] The Mishna is able to accomplish its leniency because it introduces two legal innovations: (1) a concept of ornamentation, whereby the Mishna allows some images and sculptures of pagan gods to be categorized as decorative objects rather than as idols; and (2) a procedure of "nullification" through which a prohibited object can be voided of its idolatrous status, and thus escape the biblical ban.[34] I briefly present the mishnaic materials regarding both these innovations, and then draw on Balberg's analysis as I explore continuities between the ways the Mishna relates to idols, and the ways it relates to other objects in the material world.

The chief locus for the mishnaic concept of ornamentation is the oft-cited story of Rabban Gamli'el in Aphrodite's bath, from m. AZ 3:4:

> Proclus the son of Plosfus[35] questioned Rabban Gamli'el in Akko, where he was bathing in the bathhouse of Aphrodite.
>
> He said to him, "It is written in your Torah, 'Let nothing that has been placed under the ban stick to your hand' (Deut. 13:18). How is it then that you bathe in the bathhouse of Aphrodite?"
>
> He answered, "One does not respond in a bathhouse."
>
> When they exited, he said to him, "I did not come into her domain, she came in to mine. One does not say, 'Let's make a bathhouse as an ornament for Aphrodite,' but rather, 'Let's make Aphrodite as an ornament for the bathhouse.'
>
> "Another thing:[36] Even if one gave you a lot of money, would you go up to your idol naked, having ejaculated, and urinate in front of her? Yet this one stands at the mouth of the sewer, and all the people urinate in front of her! Scripture says only [to destroy the 'statues of] their gods' (Deut. 12:3). That which is treated as a god is prohibited; that which is not treated as a god is permitted."[37]

This story addresses the very disparity we observed between the Bible's utter rejection of idolatry and the Mishna's apparent leniency. The Gentile Proclus asks how Rabban Gamli'el can sit and relax in the presence of an object that his own Scriptures command him to abhor and destroy. The mishnaic storyteller presents Rabban Gamli'el as offering three responses that can be summarized as follows:

1. I was here first.
2. The statue is not an idol, but an adornment.
3. You can tell it is not an idol, because people are not treating it like one.

Interpreters are divided on whether these three retorts should be read as three (or two) discrete answers, or as the development of a single line of argument.[38] To my mind, the three points are all closely related. They express, in different ways and with different emphases, one coherent approach to the world of objects, wherein human attitudes and intentions determine the status and identity of material things. Rabban Gamli'el's assertion that the Aphrodite is not an idol but an ornament suggests that what makes an idol an idol is not its form, but rather the context in which it appears. Presumably, the very statue that the rabbi tolerates in a bathhouse would come under a ban were it to be placed in a shrine or otherwise venerated. In the bathhouse, however, the statue is merely decorative, and for that reason it falls outside the scope of the prohibition on idols.

The story of Rabban Gamli'el's toleration of this Aphrodite has figured prominently in treatments of Jewish attitudes toward images and art.[39] It is important to note, however, that although Rabban Gamli'el here acknowledges the category of the aesthetic, this can hardly be taken as evidence of a nascent appreciation of art. On the contrary, the force of Rabban Gamli'el's argument is to dismiss the Aphrodite as *merely* ornamental, and for that reason of no account to the law.[40] This central claim, that the Aphrodite is not functioning as an idol in the bathhouse setting, is recapitulated in far more colorful terms in the response that the Mishna identifies as "another thing" (response 3 above). Here, the Aphrodite is further diminished, as it is literally peed upon. Together, responses 2 and 3 emphasize the degree to which human attitudes determine the status of things. The scriptural prohibition on idols is read narrowly so that it applies only to statues that are actively venerated, or that are placed in explicitly religious settings, and this allows Jews to partake of the public institutions of Roman cities despite the prevalence of pagan sculpture.[41]

Read in this light, Rabban Gamli'el's first retort, that he got to the bathhouse first, is easier to understand. The rabbi here is using chronology to get at issues of primacy, and at how people confer meaning on places and things. Rabban Gamli'el asserts that the placement of the statue cannot by itself redefine a space that has already been established as a bathhouse. Proximate halakhot emphasize the chronology of events in a similar way. Thus, when m. AZ 3:7 establishes three

categories of houses, it is actually describing three different stages at which a house might be dedicated to an idol: "There are three different houses: A house that is built for the sake of an idol from the beginning is prohibited. If one makes renovations, plastering and tiling the house for the sake of an idol, remove what was renovated. If one brings an idol into the house, and then takes it out, it [the house] is permitted."[42] Though this ruling relates to a different set of circumstances than those dramatized in the story of the bathhouse, it echoes Rabban Gamli'el's assertion that the chronology of intentions and events matters. A house that shelters an idol only comes under a ban if the intention to dedicate the house to idolatry preceded the house's construction; if not, only those features of the house that are directly tied to the idol are prohibited. This mishna clarifies what Rabban Gamli'el's first retort merely implies: That human intentions are determinative in fixing the scope of the ban on idols, not only in space but in time as well. Together, Rabban Gamli'el's three statements add up to a coherent argument that physical spaces and physical objects are entirely defined by human attitudes and intentionality.[43]

A similar focus on human subjectivity emerges in the second innovation of this section of the Mishna: the nullification of idols. Through the institution of nullification, or *bitul* (ביטול), idols and other prohibited objects are voided of their idolatrous status and thereby rendered permissible for use by Jews. The procedures for nullifying an idol are laid out in m. AZ 4:5: "How does one nullify it? If one cut off the top of its ear, the tip of its thumb, the tip of its finger, or battered it—even without diminishing its substance—it is nullified. If one spat at it, urinated on it, dragged it, or threw excrement at it, it is not nullified."[44] While nullification thus requires some physical damage in order to effect the change of status, the impact on the substance of the object can be minimal. Similarly, according to m. AZ 3:10, an *'ashera*, or sacred tree, can be nullified through the plucking of a single leaf, provided the action is pursued with the right intention. The Mishna further stipulates that a non-Jew can nullify the idol of a fellow non-Jew, but that a Jew cannot nullify a non-Jew's idol (m. AZ 4:4).

The notion that an idol worshipper can revoke the idolatrous status of an idol is broadly consistent with Rabban Gamli'el's claim that a statue is only an idol if it is expressly venerated as such. The laws of nullification, like the story of Aphrodite's bath, promote the idea that it is human attitudes and behaviors that define certain things as prohibited objects: acts of veneration confer idolatrous status, and

procedures of nullification take it away. Rabban Gamli'el establishes a rather high threshold for what counts as an idol, and the institution of nullification erects an even higher threshold for how that designation can be revoked. But whether an object is entering into the domain of the prohibition or exiting out of it, the Mishna assigns to the idolatrous non-Jew the role of gatekeeper. This peculiarity of mishnaic law is as reasonable as it is curious—since from the perspective of the rabbis, an idol has no reality beyond its material substance, only an idolator can distinguish between those statues that should matter to the law, and those statues that are of no concern. The determination of what counts as an idol is largely a subjective matter, and it is the subjectivity of the potential idolator that concerns the Mishna most.

To my mind, there are two different matrices that help account for the Mishna's emphasis on subjectivity in its treatments of idols. The first line of reasoning focuses on the peculiar ontological and cultural status of idols. Idols are distinct from other, more mundane objects in that they mean such different things to different people. Unlike a tool or treasure whose function or value is self-evident to most people, an idol is an object of adoration for some and of derision for others. For the rabbis, an idol has no significance outside of the sanctity and power that idolators vest in it; the only way to acknowledge its difference from other material objects is via the subjectivity of idolators. The proposition that the peculiarity of idols generates the specific innovations of m. AZ finds support in cross-cultural evidence that there were contemporary Roman practices whereby statues were formally consecrated and deconsecrated. Yaron Eliav calls attention to the Roman rituals of consecration in his reading of the story of Aphrodite's bathhouse.[45] Yair Furstenberg explains the institution of nullification in light of the practice of *damnatio memoriae*, in which Romans withdrew an emperor's divine status by defacing his representations when new leaders claimed his throne. According to Furstenberg, the nullification of idols should not be seen as a rabbinic innovation but rather as a recognition on the part of the rabbis of practices that were prevalent in the imperial Roman cult.[46] All this is to suggest that we understand the Mishna's treatment of idols in light of the specific cultural meanings that idols held for the Tannaim. According to this way of looking at things, the Mishna projects its understanding of idols through the prism of idolators' subjectivity because of the peculiar ways that idols differ from other objects.

As I have already intimated, however, there is another way to understand the Mishna's focus on subjectivity, and that is to approach the treatment of idols within the context of the Mishna's broader orientation toward the world of objects. Gerald Blidstein moves in precisely this direction when he characterizes idol nullification as "the withdrawal of significance from an object, a technique that distinguishes between the meaning of the object and its physical presence and thus allows the preservation of the object."[47] He points out that the word "nullification" is similarly used in other areas of the halakha, such as *bitul ḥametz,* the nullification of prohibited leavened foods in advance of Passover, and sees this as reflective of a general shift within Jewish law, "from concern with the static physical object, to concern with its fluctuating significance as defined by human relationships and perceptions."[48] Blidstein's insight anticipates Balberg's account of how the Mishna's purity laws reflect a distinctive outlook on objects, whereby only those artifacts that are drawn into human use and care are addressed by the law. In the Mishna's treatment of idols, as in the Mishna's treatment of everyday artifacts, humans determine the status and meaning of an object through deliberate acts of relationship. This suggests that the emphasis on subjectivity that we have noted in the Mishna's discussion of idols is not only a function of the peculiarity of idols, but also reflects the Mishna's general interest in how material things enter into the realm of humans.

Reading the Mishna's rulings about idols within the horizon of its treatment of other objects, one discovers many points of connection between the laws of AZ and other laws governing material things. One area of confluence is in the Mishna's accounts of how material things traverse the boundary between the natural world and the human realm. M. AZ 3:5 articulates a principle whereby natural things only come under a prohibition once they are deliberately manipulated by humans: "Why is an ʾashera prohibited? Because it bears the grasp of the human hand."[49] This statement encapsulates what Balberg identifies as the central project in Mishna Kelim, namely, defining the specific points at which human labor transforms the stuff of nature into artifacts that are finished and usable, and thus susceptible to impurity.[50] Furthermore, in both bodies of law, it is not just physical acts but also mental investment that bring an object into play. Thus, in Kelim, even when a man-made object receives its finishing touches and is ready for use, it is still not deemed susceptible to impurity until it is initiated into use by a deliberate thought on the part of its

owners, what the Mishna calls *maḥshava*.[51] We have already noted this emphasis on intentionality in m. AZ's analysis of the three discrete stages at which a house might be dedicated to an idol. It is the point at which the owner's intention focuses on the idol, and not the physical introduction of the idol itself, that initiates a prohibition on the use of the house.[52] In the laws of idolatry as in the laws of purity, the application of the law is largely coterminous with the duration of an owner's mental engagement with an object.

Recognizing confluences between these two areas of law brings some features of Mishna AZ into sharper relief. In Tractate AZ as in Kelim, the Mishna sets a threshold for how particular objects come into their own, specifying the points at which things pass into the domain of the law, and under what circumstances they might pass out of it. For the ordinary objects that concern Kelim, that threshold is very high indeed: issues of purity only obtain when a person has made both a manual and mental investment in an artifact. Having entered into purity's domain, however, the artifact remains susceptible to impurity regardless of its owner's mental energies, and only passes out of the law's regard upon becoming physically broken to the point it can no longer be used. When it comes to the idols that are addressed by AZ, the situation is a bit more complicated. According to m. AZ 3:4, the idol of a Gentile is banned immediately upon being completed, but an idol belonging to a Jew becomes prohibited only when it is actually worshipped.[53] That is, with idols, physical labor alone suffices to initiate a ban, but only for non-Jews; among Jews, an object is not considered an idol until it is worshipped. Kelim's explicit distinction between physical labor and mental intention provides a framework for analyzing this distinction between Jews and non-Jews. When it comes to Jews, the Mishna protects some leeway for the cross-currents of the human mind—plots and plans, intentions and desires, whims and misgivings can all come into play before the law obtains. For non-Jewish idol makers, all such mental machinations are foreclosed, and the mere making of a thing initiates the ban. The difference in the Mishna's treatment of material objects belonging to Jews and non-Jews thus expresses differences in how the Mishna treats the interiority of Jews and non-Jews, as Jews are granted a depth and breadth of subjective experience that is denied non-Jews.[54]

Throughout this section of Tractate AZ, the Mishna remains keenly focused on human subjectivity, and specifically on what objects mean to people. In emphasizing the degree to which the laws

of idolatry and the laws of purity reflect a single, coherent approach to material objects, I mean to offer a complement to the dominant trend in the scholarship, which analyzes the Mishna's legal innovations in light of the political history and material realia of Roman Palestine. I am arguing that the Mishna's treatment of idols cannot simply be reduced to the political exigencies and social pressures that come from living under imperial rule and among pagan neighbors. The Mishna's innovation in projecting the ban on idols through the lens of human subjectivity need also be read in light of the Mishna's distinctive orientation toward materiality and the self. Attention to how human experience and attitudes shape reality provides the Tannaim with a conceptual frame for dealing with facts on the ground. In Mishna AZ, the sacred trees, pagan shrines, and imperial statues that dot the landscape of Roman Palestine are presented as points on a map of human attitudes and intentions.

This interest in what objects mean to people carries over into the Bavli's discussions of the Mishna in "Kol Ha-tzlamim" and "Rabbi Yishmaʿel." At a cultural remove from the particular idolatrous artifacts that the Mishna addresses, the Bavli intensifies and extends the Mishna's engagement with material objects in general. While the Mishna is principally interested in how humans understand, value, and relate to things in the material world, the Bavli initially investigates the ontology of the objects themselves. Then, as the Bavli's discussion unfolds, the focus shifts. This section of b. AZ opens with dialectical investigations of the relationship between form and matter, and closes with narratives that examine possibilities for dialogue and intellectual exchange between Jews and non-Jews. While the Mishna examines the mental bonds that link people to things, the Bavli attends to the shared experiences that link human beings to one another.

IDOLATRY AND INTERRELIGIOUS INTERACTIONS IN THE BABYLONIAN CONTEXT

Idols were not a regular part of the cultural landscape in Sasanian Persia. While reverence for images might have persisted here and there in some expressions of Zoroastrianism and other cults, there is general agreement among scholars that the iconoclastic policies of official Sasanian Zoroastrianism rid the empire of much of the idol worship that had been prevalent under Parthian rule.[55] Richard Kalmin notes

that in the absence of material evidence from the period, the Bavli offers evidence that confirms the scholarly consensus: while the Bavli preserves many stories of Palestinian sages contending with idols in their daily lives, there are few stories of Babylonian sages encountering idols, and when they do, it is because they deliberately seek them out.[56] It has become a commonplace to point out that while the ubiquity of statues and idol worship posed pressing challenges for rabbis in Roman Palestine, these were not issues of direct concern to the rabbis of Babylonia.[57] As I have already indicated, I agree with the scholarly consensus that idols are not a pressing concern in the Bavli, and I see the relative restraint of the editors in this section of AZ as a measure of their disengagement. This does not mean, however, that the Bavli remains completely mum on the subject. The Bavli's discussions of idolatry indicate the ways that the talmudic editors' interests and experiences diverge from those of their tannaitic predecessors, particularly with regard to other religions.

It has already been well established that the Bavli approaches the Mishna's discussion of idolatry from a cultural remove. My contribution will be to demonstrate the extent of the editors' engagement with the intellectual currents of their own time. In what follows, I offer readings of several talmudic passages that are prompted by the Mishna's discussion of idols. I seek to demonstrate that in each instance, the Bavli editors propel a discussion about idols into a discussion that has cultural currency in the context of Sasanian Babylonia. There is something surprising about this section of AZ. Unlike other sections, here the editors betray little animus to non-Jews. In fact, their deliberations indicate their familiarity with and interest in discussions that engross contemporary Christians, pagans, and others in the late antique world. The editors of AZ pursue philosophic questions under debate among their Christian counterparts, and then—as if repenting of their own intellectual engagements—enlist narrative to probe the dangers of interchange with other religious communities. Whether opining on the changeability of matter, the ethics of mimetic representation, or the limits of dialogue across cultures, the Bavli editors put tannaitic materials to use in addressing issues of their own time and place.

Theseus's Ship Sails the Sea of Talmud (AZ 41b–42b)

The first sugya I examine comes from the beginning of "Kol Hatzlamim" and centers on a dispute between the Palestinian Amoraim Rabbi Yoḥanan and Resh Lakish about whether one may make use of the broken pieces of an idol. If the scholarly consensus is correct in the claim that idols are not a regular part of the cultural landscape in Sasanian Babylonia, it would seem that the deliberations that the Bavli spins out in explicating both of these Palestinian sages' positions is a scholastic exercise of merely academic interest. I seek to explicate the debate at the center of the sugya within the cultural-intellectual environment of Sasanian Babylonia. I argue that what seems at first like an abstruse discussion of an obsolete concern in fact engages the philosophic currents of the day. The Bavli transmutes an old debate about idol pieces into a philosophic investigation of what the world is made of.

Our sugya addresses m. AZ 3:2: "One who finds the broken pieces of images (*tzlamim*), behold, these are permitted."[58] The Bavli's opening statement cites a ruling by the Babylonian Amora Shmuʾel: "And even the broken pieces of an idol [are permitted]."[59] From the outset, it thus becomes clear that the Bavli reads the Mishna's ruling narrowly, interpreting "images" in contradistinction to "idols." According to the Bavli, the Mishna permits the repurposing of sculpture shards that are known not to have been objects of worship, and Shmuʾel introduces a further leniency, expanding the realm of the permitted to include not only the broken pieces of images that were never worshipped, but also the broken pieces of actual idols as well. Shmuʾel does not, however, offer a rationale for his ruling. On what basis does he permit the use of idol pieces, when an idol that is intact is clearly prohibited? Investigating the distinction between a whole and its parts is the task that propels the entire sugya.

Shmuʾel's leniency with regard to the broken pieces of idols dovetails with the dispute between Rabbi Yoḥanan and Resh Lakish. While Resh Lakish seems to agree with Shmuʾel, Rabbi Yoḥanan does not:[60] "It was said [in an Amoraic tradition]: Concerning an idol that broke of its own accord: Rabbi Yoḥanan said: It is prohibited. And Resh Lakish said: It is permitted."[61] While the amoraic tradition that is cited does not preserve the reasons why the two sages took the positions that they did, the anonymous voice of the Bavli provides rationales for both opinions: "Rabbi Yoḥanan said it was prohibited because it

had not been nullified. Resh Lakish said it was permitted [because] it is indeed nullified in a general way as one says to oneself, 'It could not save itself, how could it save me?'"[62] According to the Bavli's reasoning, Rabbi Yoḥanan reads the Mishna as a strict constructionist; since the Mishna only allows for the use of idols after they have been formally nullified by their worshippers, absent a procedure of nullification, an idol—even one that has fallen to pieces—remains under a ban. Resh Lakish, on the other hand, emphasizes the meaning and motives that underlie nullification, rather than the procedure itself. According to this line of reasoning, nullification amounts to a shift in an idol worshipper's attitude, whereby he withdraws the faith he had formerly invested in the idol. For Resh Lakish, the combination of the physical dissolution of the idol with the presumed withdrawal of the worshipper's faith and reverence is tantamount to a formal nullification. In different ways, both these positions embrace the Mishna's subjective criteria for what makes an image count as an idol. Rabbi Yoḥanan erects a high threshold for how an object can escape such a designation, viewing the broken pieces of an idol as preserving the identity and status of the whole. Resh Lakish maintains that when an idol breaks apart, it is not only its physical structure that shatters, but also the subjective attitude that determines its status. For Resh Lakish, an idol in pieces is by definition no longer an idol.

The continuation of the sugya is given over to an interrogation of each position.[63] The first challenge takes aim at Resh Lakish and is rooted in a reading of Scripture. According to a story that is told in I Samuel 5, even after God shatters the idol of Dagon the Philistines continue to revere the shrine where Dagon's idol is located. Evidently, it cannot be presumed that idolators necessarily withdraw their faith from broken idols. This challenge to Resh Lakish is neutralized, however, when the Bavli points out that after the Dagon idol shatters, it is not the broken sculpture itself that the Philistines revere, but rather the shrine, which replaces the idol as an object of worship. Next the Bavli teases out the reasoning behind Rabbi Yoḥanan's stringency by highlighting an important difference between broken images (permitted by the Mishna) and broken idols (prohibited by Rabbi Yoḥanan). According to the Bavli's reasoning, there are two relevant determinations one must make when faced with a broken piece of a pagan image: (1) Was this image actually worshipped as an idol? And (2) if it was worshipped, was it subsequently nullified? In the case of a known idol, the answer to one of these questions is known for sure—it *was*

worshipped—and only the answer to the question of nullification remains in doubt. The Bavli extrapolates that Rabbi Yoḥanan prohibits the pieces of an idol because while the conjunction of two variables of doubt might generate sufficient cause to justify leniency, in the case of but a single doubt, the calculus shifts toward stringency. This defense of Rabbi Yoḥanan's reasoning is ultimately called into question, however, when the Bavli is able to cite two cases from other areas of law in which a single area of doubt does suffice as a justification for a lenient ruling. As the sugya's deliberations continue, the preponderance of the argumentation seems disposed toward leniency, but there is no clear resolution of the disagreement between Rabbi Yoḥanan and Resh Lakish.

The contrast between the Bavli's presentation of this dispute and the parallel discussion in the Yerushalmi demonstrates how the editors of b. AZ marshal established traditions and deploy them in pursuit of their own cultural agenda.[64] Both the Yerushalmi and the Bavli transmit the dispute between Rabbi Yoḥanan and Resh Lakish concerning broken idol pieces, but they explain the disagreement in different ways, and the differences between them are instructive.[65] The Yerushalmi's gloss on the dispute is straightforward and concrete:

> An idol that broke: Rabbi Yoḥanan said: It is prohibited. Rabbi Shimon ben Lakish[66] said: It is permitted.
>
> What are we discussing? If in the future [these pieces] will be restored to wholeness, all agree that they are prohibited. If in the future they will not be restored to wholeness, then all agree they are permitted. This means we are discussing a case that is unspecified. Rabbi Yoḥanan said that the unspecified case is like the one who will restore [the idol] in the future, and Rabbi Shimon ben Lakish said the unspecified case is like one who will not restore [the idol] in the future.[67]

The Yerushalmi defines the area of dispute between Rabbi Yoḥanan and Resh Lakish as limited to instances in which it is unknown whether the broken idol's owner has plans to put it back together. In these cases alone, the sages have different rules of thumb, with Rabbi Yoḥanan ruling stringently and Resh Lakish ruling leniently. Unlike the Bavli, the Yerushalmi does not even broach the question of why the two sages take the particular positions that they do.

The Bavli brings a high level of conceptual complexity to its considerations of the reasoning behind the respective positions of Resh Lakish and Rabbi Yoḥanan. In the case of Resh Lakish, the Bavli

imagines the sage probing the internal cognitive processes of the idolator, surmising that no idol worshipper could maintain belief in an idol after it breaks to pieces. In explicating the position of Rabbi Yoḥanan, the Bavli focuses on the rational processes of lawmakers, who must gauge considerations of probability across multiple axes of doubt and certainty. The contrast between the Bavli sugya and its parallel in the Yerushalmi highlights the way the Bavli turns its attention away from the concrete facts on the ground, and instead pursues considerations of subjective meaning (with regard to Resh Lakish's position) and rationalized algorithms for legal decision making (with regard to Rabbi Yoḥanan's calculus of doubt). In this, the sugya exemplifies the Bavli's tendency toward abstract conceptualization, a trait that Leib Moscovitz celebrates as the central expression of the Bavli's distinctive genius and creativity.[68] While considerations internal to the Bavli's distinctive approach to legal reasoning might account for the differences between our sugya and the parallel in the Yerushalmi, it is my hunch that there are external factors at work as well.

My proposal is that the Bavli's distinctive approach to the status of broken idol pieces reflects the editors' engagement with the philosophic currents of their time and place. By the time that the Bavli was being edited in the sixth century, idols were not a prominent part of the physical landscape in Sasanian Babylonia. Even in the neighboring locales of the Byzantine Empire, where much pagan statuary remained intact, Christianization meant that idols had radically different connotations than they had had in earlier centuries.[69] In this cultural context, concerns about idols had no special purchase on Jewish, Christian, pagan, or Zoroastrian thinkers, but larger questions about the nature of matter, its properties, and its relation to form were topics of fervent debate within and among Sasanian Babylonia's various scholastic communities. Before engaging these specific debates, it will be helpful to sketch out a picture of what kinds of scholarly interactions might have been possible.

During the century in which the Bavli was taking shape, the Sasanian court seems to have actively claimed the mantle of the classical Greco-Roman philosophical tradition. Legend recalls that after Justinian closed the academy of philosophy in Athens in 529, it was the Persians who welcomed the displaced refugee-philosophers into their court.[70] Even if these storied events did not unfold precisely as recounted in the sources, the emergence of the tale certainly reflects a cultural shift, whereby the Sasanians became vigorous patrons of

philosophical study. At this same time, in the northwestern reaches of the Sasanian empire, just across the border from the Roman Empire, the Syriac Christian School of Nisibis also hosted a vibrant scholastic culture and served as a byway between the intellectual cultures of east and west.[71] The curriculum at Nisibis included Neoplatonic commentaries on Aristotle penned by both Christians and pagans in Syriac. Writings emerging from Nisibus during this time were widely circulated in turn and seem to have exerted particular influence in Alexandria and other points west.[72] Despite a plethora of evidence that the Sasanian empire hosted a rich intellectual culture that transcended religious divides among pagans, Christians, and Zoroastrians, the conventional wisdom once was that the Babylonian rabbis lived and studied at a cultural remove from all this scholarly ferment. Richard Kalmin promoted this view when he characterized Babylonian rabbinic culture as inwardly focused,[73] but in his latest book he presents a more complex and nuanced picture, presenting evidence for the migration of narrative motifs and cultural knowledge from the Christianity of the Roman east to the Babylonian rabbis.[74] His investigations join a spate of other research projects examining cultural and literary continuities between the rabbis and their non-Jewish neighbors in Mesopotamia and beyond.[75] It is this new direction of research that lends plausibility to my proposal that the Bavli's discussion of idols is informed by contemporary philosophical discussions about the nature of materiality.

I propose that we read the Bavli's debate about whether the broken pieces of an idol are equivalent to an intact idol against the background of a philosophical question that has a long patrimony in the classical sources: How much change can a thing sustain before it can no longer be considered the same thing? An early formulation of the question by the pre-Socratic philosopher Heraclitus famously asked whether one could step in the same river twice.[76] Later, this question about the persistence of identity over time and change crystallized in the paradox of Theseus's ship: "The Athenians preserved the thirty-oared ship in which (Theseus) sailed with the youths and maidens and got back safe up to the time of Demetrius of Phaleron, removing the old planks and installing strong ones, fixing them in such a way that the ship became an example even to the philosophers for the controversial Growing Argument. Some of them said the ship remained the same, some not the same."[77] What Plutarch here calls the "Growing Argument" refers to an argument that questions

whether an individual can be seen as maintaining a single identity over time, given that bodies are always growing and changing. The paradox of Theseus's ship raises this same question in reference to artifacts, focusing attention on an object's form and its component parts and posing the question: Does identity reside in the material composition of the object, or in its form? I submit that this philosophic issue maps onto the debate between Rabbi Yoḥanan and Resh Lakish, with Rabbi Yoḥanan's position locating the identity of an object in its material makeup, while Resh Lakish's position identifies an object with its form. My suggestion is based in part on circumstantial evidence for a resurgence of interest in the paradox of Theseus's ship during the very century that the Bavli was taking shape.

While the ancient philosophical debate about what constitutes identity in material bodies continued for centuries, it seems to have emerged with renewed vigor during the sixth century. Alexandrian philosopher John Philoponus (490–570) raises the issue of Theseus's ship in three different contexts within his work *Against Proclus's "On the Eternity of the World*."[78] In this work, dated to 529, Philoponus offers a detailed rebuttal of Proclus's arguments for the eternity of matter.[79] Using the methods and vocabulary of Neoplatonic Aristotelianism, Philoponus denies that an object is more than the sum of its parts, and locates the identity of an object in its material makeup. Elsewhere, he gets at the same problem from another direction, interrogating the identity of a statue whose foot, hand, and head are replaced.[80] Philoponus's attention to the question of the identity of objects is of particular interest to me, because though he lived in Alexandria and wrote in Greek, his work was quickly translated into Syriac and there is evidence of interactions between him and the scholars at Nisibis.[81] But the philosophical problem of Theseus's ship (or of the identity of broken statues) was apparently not limited to Christian circles alone. Closer to the centers of rabbinic life, related topics were under debate at the Sasanian court in Ctesiphon as well, where, in the early 530s, King Khosrow hosted a disputation between a philosopher named Uranius and Zoroastrian priests. The issues they debated were reportedly "generation and nature, and whether the universe will last forever, and whether one should posit a single first principle for all things."[82] In other words, at roughly the same time that Philoponus wrote about Theseus's ship in his rebuttal to Proclus's argument for the eternity of matter, representatives of the Sasanian court were debating the same general themes.

The confluence of these two contemporaneous witnesses to an interest in the perishability of matter becomes especially arresting in light of evidence from a third source from the same cultural horizon: the Babylonian Talmud. For it is not only in our sugya's treatment of the status of idol pieces, but also in other parts of the Bavli's extended section on idols that the talmudic discussion turns to themes of materiality and change. For example, an extended sugya beginning on b. AZ 46a examines a whole range of objects, and asks in each case what degree of transformation would be sufficient for allowing the material in question to be rededicated to holy purposes. The question is succinctly articulated in reference to grain: "Rami bar Ḥama asked: In the case of one who bowed down to standing wheat—can the grain be used for a meal offering? Is there a [sufficient] change in that which was worshipped, or is there not a change in that which was worshipped?"[83] The sugya goes on to interrogate the relationships between an animal and its offspring; between a palm tree and its branch; between an animal and its wool. Does the derivative maintain identity with its origin, or can it be considered separate and distinct? The sugya closes with the case of a spring of water that has been worshipped. This is how the anonymous voice of the editor explains the underlying difficulty: "This is the point he [Rabba] is asking about: Was it the water that was right in front of him that he worshipped, and those waters flowed away, or alternatively was it the course of the stream that he worshipped, in which case it is prohibited?"[84] Distinguishing among the continuously flowing waters and the course of the stream, the talmudic editor registers the central insight for which Heraclitus was famous: one cannot step into the same flowing waters twice. The Bavli's discussions of the changeability of material things are not anticipated in the Mishna, and the question of under what circumstances an object maintains its identity over time does not appear in parallel discussions within the Yerushalmi. I am proposing that the emergence of these themes in the Bavli reflects the talmudic editors' engagement with philosophical questions under debate among their scholarly contemporaries in neighboring academies.

To be clear, I am not arguing for direct textual influences on the rabbis, but rather proposing that around the time the Bavli was taking shape, a shared discourse about the nature of materiality emerged across the scholastic subcultures of Sasanian Babylonia, and that the rabbis drew on this shared vocabulary of ideas in their discussion of how to conceptualize broken pieces of idols. To be sure, it is as

impossible to track the emergence of a discrete set of interests in the general zeitgeist as it is to identify the specific conduits through which the rabbis would have gained access to these ideas.[85] Nonetheless, the possibility of a shared cultural discourse about materiality has direct interpretive benefits, not only in explicating our specific sugya, but also in understanding the conceptual expansions that the Bavli brings to the discussion of idols throughout this extended section. In the absence of clear evidence for direct cultural influences, my proposal is based first on the plausibility of a shared discourse with pagan, Christian, and Zoroastrian thinkers, and second, on the heuristic benefit of reading the Bavli through the lens of contemporary philosophic debate.

It might seem surprising that the section of AZ in which the Bavli turns its attention to the most anathema of foreign practices, the worship of idols, should reflect the rabbis' participation in an intellectual culture that transcended religious boundaries. In marked contrast to the harsh accounts of Gentile violence, perversity, and otherness we saw in earlier chapters, in this extended section of AZ there is minimal invective directed against non-Jews, and a general openness to the surrounding culture. I would argue, however, that if I am right that for the Bavli the central concern is not idols per se but the relationships of humans with inanimate objects, then this magnanimity is not remarkable but rather to be expected. My argument is that the Bavli editors have taken the Mishna's rulings about idols and parlayed these discussions into a much broader examination of human interactions with the physical world.

The Bavli's discussion of material objects reflects the editors' engagement with both their rabbinic predecessors and their non-Jewish contemporaries. From the editors' tannaitic forebears, they inherit a particular orientation to the world of objects, in which inanimate things only become worthy of attention once they are claimed for human use. From contemporary intellectual elites, they learn to interrogate the world of matter, raising questions about the relationships between parts and wholes, matter and form, persistence and change. For the Bavli editors, this section is only ostensibly about idols, and far more centrally about objects. Confronting the physical world of bodies in space, these rabbis find common cause and kinship with their counterparts in other scholarly circles, beings that not only live and breathe, but think, question, and reason.

A Theory of Representation in the Bavli (AZ 42b–43b)

The sustained attention AZ invests in interrogating the identity of material objects is one indication that the Bavli's anonymous editors participated in the intellectual ferment of their times, or at least knew about topics of debate and discussion in other religious communities. Yet another hint of their engagement with the non-Jewish world can be found in another sugya from this section, this one exploring the meaning of artistic representations. The sugya addresses the following mishna: "One who finds utensils that have on them the shape of a sun, the shape of a moon, the shape of a dragon—let him cast them into the Salt Sea."[86] In the discussion that ensues, the Bavli differentiates between the worship of such images and the worship of their prototypes in nature. Probing the question of what constitutes the connection between an image and its subject, the sugya engages the theme of mimetic representation with a sophistication that is unmatched in rabbinic literature. I propose that the Bavli's investigation of the limits of representation reflects the editors' awareness of an emerging discourse about icons among leaders and theologians in the contemporary Byzantine Church.

As the sugya opens, the voice of the anonymous editor poses a rhetorical question: "Is this to say that it is just these things that they worship, and not other things?"[87] That is, are we to conclude from the mishna's short list of prohibited images that only the sun, the moon, and dragons are the objects of idolatrous worship, and that idolators worship nothing else? This opening hypothetical proposition is swiftly dismissed. A tannaitic tradition attests to the propensity of people to worship anything and everything, from a lowly worm to an archangel: "[Against this proposal,] cast the following baraita: 'One who slaughters an animal in honor of seas, in honor of rivers, in honor of wildernesses, in honor of the sun, in honor of the moon, in honor of stars and constellations, in honor of Michael the Great Prince, or of a small worm, these are considered offerings to the dead.'"[88] In contrast to the mishna, which lists just three specific kinds of prohibited images, this baraita is comprehensive. It prohibits sacrifice to any being other than God, whether that being is part of the God's heavenly retinue or a measly worm. But there is another striking difference between the mishna and the baraita: While the Mishna is dealing with prohibited *images*, the baraita relates to a whole array of things from nature. The fourth-generation Babylonian

Amora ʾAbaye is credited with recognizing this distinction: "ʾAbaye said: As to worship, they might worship anything that they find. With regard to making [images] and worshipping [them], it is just these three important things that they make for worship. Anything else that they make is simply for the sake of ornamentation."[89] ʾAbaye reads the Mishna's list restrictively, limiting the scope of the mishna's ruling so that the requirement to dispose of images applies only to the three kinds of shapes that the mishna specifies. His statement spells out what he takes to be the implications of his interpretation: If only three specific kinds of images are banned by the Mishna, then all other images are permitted, by definition. His formalist reading of the Mishna thus generates a broad leniency, allowing for a wide array of images to be classified as ornaments and not only tolerated on that basis, but presumably even claimed for use and benefit by Jews.

ʾAbaye's interpretation of the Mishna introduces a bold leniency into the law, but that is not all that it does. In explicitly differentiating between the worship of objects and the worship of *images* of those objects. ʾAbaye calls attention to the status of images as copies, or likenesses of other things. His statement reflects a concept of representation that is absent from the Mishna. As the sugya continues from this point, it will continue to investigate images *qua* images, approaching them not merely as material artifacts, but as artifacts that imitate other things, as instances of mimetic representation.

The theme of representation is most evident in an extended passage beginning on b. AZ 43a that recapitulates an entire sugya from b. Rosh Hashana. There, the context is a discussion of the procedures by which a new month would be declared during the era when rabbinic authorities relied on eyewitness testimony that the new moon had appeared. A mishna in Tractate Rosh Hashana recounts the particular practice of Rabban Gamliʾel, who would show the witnesses diagrams of the moon when they came to offer testimony: "There was a likeness [*dmut*] of the shapes of the moon that Rabban Gamliʾel had on a tablet on the wall of his upper story, and he would show it to the laymen, saying, 'Did you see one like this, or like this?'"[90] AZ reproduces the talmudic treatment of this mishna in toto. The passage investigates one central question: On what basis could Rabban Gamliʾel's lunar diagrams have been permitted, given the scriptural prohibition on making images of heavenly bodies? The Bavli does not, however, initially cite the biblical verse one would expect, from the Decalogue's prohibition of images in Exodus 20:4. Instead, the Bavli

cites a proximate verse that is far less straightforward in its meaning, and parses it according to midrashic tradition: "But is this permitted? Is it not written in Scripture, 'Do not make with Me [gods of silver and gods of gold do not make for yourselves]' (Exod. 20:20) [which means], 'Do not make [anything] resembling a likeness (*ke-dmut*) of My servants!'"[91] The scriptural verse that is cited is somewhat enigmatic in that it includes both a difficult prepositional phrase—"with me" (*ʾiti*)—and an apparent redundancy: "*Do not make* with Me gods of silver and gods of gold *do not make* for yourselves." Were the verse to read "before Me" or "in My presence" instead of "with Me," it would be easier to understand; this is probably the best way to render the verse's plain meaning in any case. The Bavli, however, does not pursue the verse's plain meaning but reads the phrase according to a midrashic tradition that interprets "with Me" as shorthand for "those who are with Me," a reference to the ministering angels and other beings who serve God in the heavens. A version of this tradition is transmitted in the Mekhilta, a tannaitic work of midrash: "'Do not make with Me' (Exod. 20:23). Rabbi Yishmaʿel says: Do not make a likeness (*dmut*) of My servants who minister before Me in heaven, not a likeness of angels, not a likeness of *ophanim*, and not a likeness of *cherubim*."[92] The very wording of the midrash helps account for the puzzle of why it is this particular verse that is cited, and not the more straightforward prohibition in the Decalogue—the midrash uses the same Hebrew word *dmut*, meaning "image" or "likeness," that the Mishna uses to refer to Rabban Gamliʾel's moon diagrams. The Bavli thus opens its investigations of Rabban Gamliʾel's questionable diagrams by juxtaposing a tannaitic tradition that says the rabbi possessed a likeness (*dmut*) of the moon with a tannaitic tradition in which God prohibits the making of any likeness (*dmut*) of heavenly bodies.

As the sugya continues, the Bavli appeals to a teaching from ʾAbaye to resolve the apparent conflict between Rabban Gamliʾel's practice and the dictates of scriptural law: "ʾAbaye said: The Torah only prohibited [making images of] those servants that it is possible to make a semblance of."[93] ʾAbaye thus comes to Rabban Gamliʾel's defense with a reading of the very midrash that was cited for his prosecution. ʾAbaye offers a hyperliteral reading of the midrashic tradition, arguing that when the Torah prohibits "*likenesses* of My servants," the prohibition on images applies only to those divine servants of whom it is possible to make likenesses, or to copy. According to ʾAbaye,

Rabban Gamli'el's lunar diagrams are permitted because they cannot really be considered "likenesses" of the moon. Unlike the actual moon, the diagrams are small, flat, and hung on a wall—this is why 'Abaye does not consider them "likenesses" at all.[94] 'Abaye's statement here—like his statement at the start of this sugya—not only stakes out a lenient position on the prohibition on images; it presses toward a specific conceptualization of representation. The Bavli here interrogates the notion that resemblance is a fundamental principle of image making. Emphasizing the element of difference rather than sameness, the sugya uses 'Abaye's statement to pry apart the twin notions of "image" (*tzelem*) and "likeness" (*dmut*).

The Bavli finds support for 'Abaye's leniency with regard to "unlike" likenesses in a tradition regarding reproductions of the Temple and Temple vessels: "And as it is taught in a baraita: A man shall not make his house on the model (*tavnit*) of the Temple; his porch on the model of the Temple foyer; his yard on the model of the Temple enclosure; his table on the model of the [Temple] table; his lamp on the model of the Menora, but he may make one of five, six, or eight [branches]. And of seven [branches], he should not make one, even with other kinds of metal."[95] This baraita differentiates between structures that reproduce the forms of the Temple vessels and those that are visibly distinct from their prototypes. A seven-branched lamp is illegitimate even if made of tin, but a lamp of six or eight branches is permitted, even if it is made of gold like the original.

The implication is that there is something untoward about purporting to copy that which is sacred and singular. Representations might gesture toward sacred models, but they are only to be tolerated if they in some way call attention to their secondary status as imitations. While 'Abaye's statement presents an ontological claim regarding that which it is impossible to replicate, the baraita that the Bavli offers in support of his view is normative: Temple vessels *can* be copied, but they should not be. Together, the two statements sketch out an incipient theory of representation that rejects all copies as counterfeit, but nonetheless tolerates forms of representation that are not imitative.[96] According to this view, images that call attention to themselves as representations of other things would not come under the scriptural ban.

As the sugya continues, the dialectic alternates between interpretations of scriptural verses and statements attributed to 'Abaye. The interpretations of Scripture are consistently drawn from the Mekhilta

and convey a sense of stringency with regard to images that accords with the plain meaning of Scripture. The statements attributed to ʾAbaye consistently make a case for leniency.[97] In commenting on the version of this sugya that appears in b. Rosh Hashana, Steven Fine presents it as exemplary of the Bavli's liberalism regarding representational images.[98] While leniency is no doubt in evidence throughout this sugya, to my mind the bigger leap that the Bavli makes is a conceptual one. Introducing a sugya about the legitimacy of representation into its discussion of idolatry is an innovation in itself. Neither the Mishna nor the Yerushalmi make such a topical connection, because representation is not conceptualized in earlier rabbinic treatments of idolatry. But the Bavli here does far more than simply announce a new topic of interest; it offers a rudimentary theory of representation, sketching out principles of similarity and difference, reality and appearances, form and matter. These concepts had long been part of classical philosophic discourse and would enter Christian debates through the mediation of Neoplatonist texts, but they are largely absent from rabbinic literature from earlier eras.

To more fully appreciate the novelty of the Bavli's interest in representation, it will be helpful to briefly consider the place of images in Jewish life in earlier centuries. Steven Fine characterizes ancient Judaism as "anti-idolic" as opposed to "aniconic," arguing that despite staunch opposition to the place of images in other people's cults, Jews embraced their own iconography in synagogues and elsewhere.[99] His nuanced account of the place of images in ancient Jewish life joins other recent works of scholarship in helping to overturn prevailing stereotypes of Jews as "artless."[100] Yet despite these important new works, among the canards that nonetheless persist in some works of art history is the notion that Christian iconoclasm in both its Byzantine and Protestant articulations traces back to Jewish tradition and to the so-called "Second Commandment."[101] This association of Jews with iconoclasm is misplaced on several accounts. First, as Fine emphasizes, archaeology has uncovered abundant examples of Jewish pictorial art from Roman Palestine and the diaspora. Alongside this material evidence is the evidence from rabbinic literature, which has yet to be sufficiently engaged. To my mind, the single most important observation to be gleaned from a survey of discussions of idol worship in the Mishna, Tosefta, and Yerushalmi is the Palestinian rabbis' virtual silence about the making of images. As I indicated above, m. AZ never directly engages the scriptural interdict on making images

at all.[102] For whatever reason, contrary to prevailing assumptions, the "Second Commandment" had little traction among the rabbis. Not only is the very nomenclature "the Second Commandment" a designation that is peculiar to Christians, there is no indication that opposition to images ever compelled Jewish interest in nearly the way it would occasionally inflame some Christians.[103]

A corollary of this general indifference to image making among Jews is that Jews of late antiquity never developed a theoretical apparatus for engaging questions of representation the way contemporary pagans and Christians did. Byzantine Christian debates about images surged in fervent contests over the legitimacy of icons throughout the eighth century, and they were ultimately resolved only when the Orthodox church officially embraced the veneration of icons at the synod of 843.[104] During these years of pitched debate, Christian theologians engaged questions about representation and about the relationship between copies and prototypes that had occupied ancient thinkers for centuries, since before Plato and Aristotle first articulated their respective theories of mimesis. Jaś Elsner has recently argued for contextualizing the Byzantine iconoclastic struggles within this longue durée.[105] He suggests that the central project of Byzantium was to resolve theoretical questions about "real presence" that trace back to pre-Socratic thinkers. Elsner defines the central problem of representation that was at the crux of the Christian iconoclastic debates as "the question of whether an image, as an imitation of its referent in a pictorial medium, is *not* the same as its referent and thereby expresses the *absence* of that referent even as it refers to it, or whether it is a site for the *real presence* of its prototype, embodied in the image."[106] In other words, how does one characterize the relationship between a picture and that which it represents? Does the image extend some aspect of the prototype into the visual realm? Or does the image call attention to the way the prototype resists being captured either visually or materially?

According to Elsner, questions about representation receive increasingly sophisticated responses over the course of late antiquity, spurred in part by the compulsion some Christian thinkers felt to justify the veneration of icons, in contradistinction to idol worship.[107] Jewish sources, however, scarcely address theoretical questions of representation.[108] Our sugya is the exception, and Elsner's analysis provides a conceptual framework for understanding its central argument. In our sugya, ʾAbaye's defense of Rabban Gamliʾel's diagrams is based on a concept of *absence*.

If the conceptual leap that I discern in our sugya is not immediately apparent, that might be because we encounter rabbinic literature through the twin lenses of later interpretations and of Western philosophic categories. One of the legacies of the long iconoclastic struggles in Christianity is the way they shaped Western discourse about art and representation. Today, tacit ideas about representation are inherent in the very concept of idolatry. I would argue, however, that only the vaguest notion of representation can be found in rabbinic literature prior to the Bavli. In the Mishna, as in the Tosefta and the Yerushalmi, idols are problematic not for reasons relating to their status as representational images, but rather because they are objects of worship that were made by humans. As we have seen, m. AZ applies the same principles and legal categories to idols as it does to sacred trees and to *merkuliot,* piles of rocks dedicated to Mercury. Though idols entail mimetic representation, and ʾasherot and merkuliot do not, this is not a distinction that the Mishna pursues or even acknowledges. For the Mishna, what draws these three categories of prohibited items together is that they are all artifacts shaped "by human hands."[109] From the Mishna's perspective, an idol is an affront because it exalts that which humans have manufactured, not because it is illegitimate as an act of representation. The legal tradition that the Bavli inherits does not differentiate between finely chiseled statues and mere piles of rocks.

In contrast to earlier rabbinic works, the Bavli engages a thematics of representation. In a move that both anticipates and inverts Orthodox Christianity's insistence on the "real presence" within icons, the Bavli authorizes image making on the basis of absence. Because, the Bavli reasons, representations of nature and of the supernatural cannot but fail to achieve a true resemblance, such images are fair game. While in the end, the sugya moderates this position, mediating between the leniency advocated by ʾAbaye and the stringencies inherited from the Mekhilta, the real achievement of the sugya is not in the realm of legal innovation, but rather in the realm of theory. The sugya sketches out a nascent Jewish theory of mimesis that measures the principle of sameness against the principle of difference, accentuating the gap between prototypes and their copies.[110] Shifting the conversation from the normative to the ontological, the Bavli asks not what kind of representations are permitted, but what kind of representations are possible.

Previous scholarship has persuasively argued that the Bavli's leniency with respect to images reflects a changed cultural context in

idol-free Sasanian Babylonia. While my interest in these materials is with theory rather than law, I too look to the wider cultural context to account for the Bavli's distinctive approach to images. As I acknowledged in the previous section, it is certainly possible to explain the conceptual leaps that the Bavli makes as resulting from internal processes and a new penchant for abstraction. I would argue, however, that the fact that contemporaries of the Bavli's editors in nearby centers of religious learning were deeply engaged with questions about images and the nature of representation makes the possibility of cultural sharing plausible and worthy of further research and consideration. To be sure, the specific conceptual connections that I have identified link the Bavli's dialectics to a Christian discourse about representation that only reaches its full flowering in the centuries following the Bavli's composition, when the iconoclastic debates are resolved. My argument for the plausibility of a shared discourse about images is based on the approaches of Elsner and Moshe Barasch, who emphasize the longue durée and point to precedents for the iconoclastic debates in earlier centuries of classical, early Christian, and Neoplatonic writings. Though the full flowering of an Orthodox Christian representational theory did not develop until the ninth century, a broad array of conceptual approaches for distinguishing among idols, icons, and other images was available to Christian thinkers, and perhaps to contemporary rabbis as well, long before the surge of iconoclastic debate.

I am arguing that the mere plausibility of cultural sharing among the rabbis and their contemporaries justifies a careful reappraisal of the characterization of the Babylonian rabbis as inwardly focused. In its engagement with concepts of representation, as in its investigations of matter and form, this section of b. AZ entails a theoretical sophistication and a set of concerns that bespeak a cosmopolitan engagement with ideas and questions that were current among the Bavli editors' non-Jewish counterparts in the late antique world. One final indication of the Bavli editors' openness to others is the abundance of stories depicting dialogue with non-Jews that they include within this very section of b. AZ. Alongside dialectical treatments of philosophic themes, these stories thematize and dramatize intellectual exchange between rabbis and philosophers. It is to these stories that I now turn.

Dialogues with Non-Jews (AZ 44b and 54b–55a)

The extended section of the Mishna that treats idols and their nullification ends at m. AZ 4:7 with the following narrative:

> They asked the elders in Rome, "If He (your God) has no desire for idolatry, why doesn't He nullify it?"[111]
>
> They answered them, "If people were worshipping a thing that the world had no need for, He would nullify it. But seeing as people are worshipping the sun, the moon, the stars and the constellations, should He destroy His world because of these fools?"
>
> They said to them, "If so, let Him destroy the things that the world does not need, and leave be the things that the world does need."
>
> They said to them, "If so, He would be strengthening the hands of those who worship those things, for they would say, 'Know that they are gods, and that is why they weren't nullified!'"[112]

The story is set in Rome, in the heart of pagan imperial power, and this makes the question that is put to the rabbinic elders all the more pressing: If Jewish claims for God's might and singularity are true, how can one account for God's quiescence in the face of Roman offenses? While many a pious Jew might have quietly wondered about this, placed in the mouths of pagan interlocutors, the question has a sinister edge. The Roman questioners archly try to trap the Jewish sages in a Catch-22. They imply that either the Jewish God does *not* object to other gods, or He objects but is powerless to do anything about them. The elders cleverly escape this trap, however, and their answer effectively upholds God's singularity and power, while at the same time emphasizing God's providence. According to the elders, God is capable of vanquishing all rivals, but He refrains from destroying that which idolators worship so as not to inflict harm on creation.

This mishnaic narrative is one of a pair. As we have already seen, there is another story that recounts a dialogue between a rabbi and an inquisitive non-Jew in this section of the Mishna, the story of Rabban Gamli'el's conversation with Proclus in Aphrodite's bath, in m. AZ 3:4. The two stories share a common dialogue form, and they both address the quandaries of Jews who live amidst displays of pagan culture and imperial might. In both stories, non-Jews confront rabbis with a reality that seems to conflict with biblical teaching, and the rabbis resolve the difficulty with reasoned explanations. Rabban Gamli'el's story offers a practical model for accommodating pagan culture by minimizing the religious significance of pagan

statues. The story of the rabbinic elders in Rome provides the theological grounding for such pragmatism, suggesting that if God is not inordinately bothered by the idolatrous displays of fools, then God's human defenders should not worry either. Appearing together within the Mishna, these two stories work in tandem, each one shaping the interpretation of the other. The legal context in which they appear extends their resonance even further. Like the laws of idol nullification which they bookend in the Mishna, these stories uphold the principle that there is no reality to idols outside of the meanings that idolators ascribe to them. While the Roman pagans within the fictive world presume that idols must be physically destroyed in order to be vanquished, the mishnaic storyteller dramatizes another kind of victory, in which mouthy idolators are bested and silenced by rabbinic wisdom. In the two mishnaic stories, as in the laws of idol nullification, human attitudes determine the meaning and significance of physical objects.

There is a rich scholarly literature that identifies the cultural context of Roman Palestine as the horizon for the interpretation of both these mishnaic stories.[113] Though the specific encounters the stories recount are fictionalized,[114] the narratives convey the cultural reality of the tannaitic era, when pagan and imperial statuary crowded the public spaces of the towns and cities where the rabbis lived. In the context of the Mishna, the central concern of these stories is the ubiquity of pagan sculpture. Statues not only prompt questions about the unfulfilled biblical vision of an idol-free Land of Israel, they serve as discomfiting visual reminders of the persistence and reach of Roman culture and imperial might. Tales of wise rabbis besting clever pagans serve to neutralize these visual displays of Roman dominance, projecting an alternative reality where God and the Jews remain in charge. Within the cultural context of Roman Palestine, mishnaic stories of debates between rabbis and non-Jews have a particular force and resonance as dramatizations of a rivalry between Jews and pagans.[115]

My interest is in what these stories come to mean when the editors of the Bavli read, interpret, and recontextualize them within a work that belongs to the editors' cultural horizon in Sasanian Persia. For the creators of the Bavli, pagan statues are the abandoned artifacts of a distant time and place. The stories about these statues, however, offer a rich source of narrative material for the editors' own distinctive project. I have already called attention to the way that the editors of b. AZ parlay the Mishna's rulings about idols into

a broader discussion of physical objects and the nature of materiality. They accomplish something similar with the Mishna's stories. In the Bavli's retellings, stories of conversations with non-Jews become stories *about* conversation with non-Jews. That is, for the Bavli, the encounter with a non-Jew is not simply a narrative frame for a topical treatment of idols; rather, the encounter itself becomes centrally important. Within this section of the Bavli, stories of ancient rabbis in conversation with philosophers take their place alongside the editors' discussions of philosophical questions, and serve as a precedent for the editors' openness to non-Jewish sources of knowledge. The stories provide sanction for the kind of intellectual exchange and cultural sharing that the Bavli editors exhibit in their investigations of philosophic themes.

This strategic use of narrative is manifestly on display in the Bavli's discussion of the story of Rabban Gamli'el in Aphrodite's bath, a short sugya that makes little sense unless it is read as part of a larger project. The vast secondary literature on the story of Rabban Gamli'el and Aphrodite scarcely acknowledges the Bavli's interpretation, except to note its strangeness. For example, Azzan Yadin writes that the Bavli "contains an odd discussion of whether or not Rabban Gamli'el's response was a deceitful reply (*teshuvah genuvah*), without a substantive discussion of the reply itself."[116] Yadin's characterization is accurate in one respect—the entire discussion in the Bavli is indeed organized around the question of whether Rabban Gamli'el is being deceitful in his interactions with Proclus. Over the course of the Bavli's discussion of the story on AZ 44b, four different Amoraim raise the possibility that one or another aspect of Rabban Gamli'el's response is deceitful, only to reverse themselves with the emphatic assertion, "But I say it is not deceitful."[117] Each of the four times, the speaker initially identifies a legal issue that might be taken as a weakness in Rabban Gamli'el's argument, and then goes on to demonstrate that despite appearances, Rabban Gamli'el's reasoning is in fact cogent, nuanced, and, most importantly, sincere. My reading of the sugya departs from Yadin's, however, in that to my mind the recurrent question of Rabban Gamli'el's sincerity is neither odd nor impertinent. Rather, the question reveals what the Bavli editors take to be the substance of the mishnaic story. For them, what is most important is not how Rabban Gamli'el relates to the statue of Aphrodite, but rather how Rabban Gamli'el relates to Proclus, the non-Jew.

The Bavli's protestations on behalf of Rabban Gamliʾel's candor are best appreciated against the backdrop of a midrashic convention in which rabbinic sages dismiss their non-Jewish interlocutors with facile responses to difficult questions, and then are pressed for more sophisticated answers by the rabbinic disciples. The convention is widely attested in midrashic literature,[118] and the following story from Genesis Rabba is just one example. A group of minim ask Rabbi Simlai to account for why the Torah refers to God with the plural noun *ʾElohim* in Gen. 1:26.[119] Does this not imply that the Torah acknowledges more than one power in heaven? Rabbi Simlai summarily dismisses their taunt, pointing out that Scripture consistently employs a singular verb for God, despite the plural ending of the name *ʾElohim*. The minim depart, their challenge neutralized, but after they are gone Rabbi Simlai's disciples turn to him and say, "Those you pushed off with a reed, but what kind of response will you offer us?" Rabbi Simlai then proceeds to offer his students a midrashic reading of Gen. 1:27, as if to acknowledge that his initial answer to the minim is not ultimately satisfactory. This literary convention, with its recurrent trope of "pushing others off with a reed," projects an image of the rabbi as a master of doublespeak. In all the narratives that participate in this convention, the public transcript of interreligious disputation is qualitatively different from the private, internal discourse of the rabbinic study house. In these stories, discourse with non-Jewish interlocutors is formal, strategic, and full of pretense, while insider talk among rabbis is nuanced, playful, and profound. I take the Bavli's pitched insistence on Rabban Gamliʾel's sincerity as a deliberate effort to resist the assimilation of Rabban Gamliʾel's story into this literary trope of rabbinic doublespeak. The Bavli insists that Rabban Gamliʾel addresses the non-Jewish Proclus with the same arguments with which he would address his colleagues. Emphasizing Rabban Gamliʾel's forthrightness, the Bavli promotes his exchange with Proclus as a model for intellectual exchange with non-Jews.

The parallel discussion in the Yerushalmi brings the programmatic interventions of the Bavli editors into even sharper relief. The Yerushalmi does not make a case for Rabban Gamliʾel's forthrightness in dealing with Proclus. On the contrary: in the Yerushalmi, the following characterization of Rabban Gamliʾel's exchange with Proclus is attributed to Rabbi Hoshʿaya by Rav Ḥama bar Yosi: "He [Rabban Gamliʾel] answered him [Proclus] with a deflective response, for it is not the case [that people would not undress in the presence of

an idol they revere]. He [Proclus] could have answered back with the example of Baʿal Peʿor, in which exposure is actually a form of worship."[120] The statement refers specifically to Rabban Gamliʾel's claim that the Aphrodite cannot be regarded as an idol because the pagans who attend the bathhouse treat the statue with disrespect, undressing and urinating in its presence. Rabbi Hoshʿaya contends that Rabban Gamliʾel's argument is specious, meant simply to put Proclus off. Were Proclus better informed, he would know that the Torah itself recognizes that idolatrous worship often entails nudity and rudeness. According to Rabbi Hoshʿaya, given the biblical story of debauchery in the worship of Baʿal Peʿor (Num. 25:1–9), Rabban Gamliʾel could not have made such an argument in good faith. His response to Proclus is tactical and insincere and expresses his dismissive attitude toward the non-Jew. In the Yerushalmi, there is no further discussion of Rabban Gamliʾel's story.

Within the Bavli, the statement that is attributed to Rabbi Hoshʿaya is modified in striking ways. Here is how Rabbi Hoshʿaya's opinion is presented by the Bavli:

> Rav Ḥama bar Yosef said: R. ʾOshʿaya[121] said: "It was a deceitful response that Rabban Gamliʾel offered that official, but I say that it was not deceitful."
>
> What was his deceit? It was that he [Rabban Gamliʾel] told him [Proclus], "This one [Aphrodite] stands at an opening to a sewer, and everyone urinates in her presence."
>
> And if they urinate in her presence, what of that? Did not Rava say: "Peʾor proves it, because people would strip in front of it every day, and it would not be nullified?"
>
> But I say that it was not deceitful, for that one [Peʾor] was regularly worshipped in this way, but this one [Aphrodite] is not.[122]

Here, the Bavli faithfully recapitulates the first part of Rabbi Hoshʿaya's statement, only to have Hoshʿaya instantly negate his own words, with the demurral, "But I say he was not deceitful." The Bavli editors are so intent on upholding the sincerity of Rabban Gamliʾel that they apparently have taken the dramatic step of reversing the sense of Hoshʿaya's statement, introducing an awkward ungrammaticality into the passage in the process.[123] What was a terse statement in the Yerushalmi is expanded into several rounds of dialectic, as the anonymous voice of the editors unpacks both the charge of deceit and its subsequent reversal. Despite the awkward bumps in the statement attributed to Rabbi Hoshaya, the care with which the editors lay out

the case both for and against the charge of deception is rhetorically effective. The Bavli editors recast Rabban Gamli'el's prosecutor as his defender, reinforcing their characterization of Rabban Gamli'el as a sincere and forthright partner for dialogue.

The deliberateness with which the Bavli tinkers with and even reverses a tradition that it inherits from the Yerushalmi is a measure of how important it is for the Bavli to establish Rabban Gamli'el as a model for genuine intellectual exchange with non-Jews. The makeover that Rabban Gamli'el receives in this short sugya is but one instance of how this section of AZ promotes Rabban Gamli'el as an exemplar of liberality and philosophic engagement. Earlier, we saw another expression of this, when we examined the discussion of Rabban Gamli'el's use of moon diagrams; in that context, too, the editors embrace the task of justifying what appears to be a breach on the part of the leader.[124] At the very end of this section of b. AZ, on 54b–55a, the editors tell still more stories of Rabban Gamli'el, depicting him in conversation with non-Jews.

The Bavli's stories of Rabban Gamli'el appear as part of a chain of narratives that are appended to the mishnaic story of pagans in dialogue with Jewish elders in Rome. The Bavli provides no commentary to this mishnaic story, and there is no dialectical discussion of the issues it raises. Instead, this entire extended section of b. AZ closes with a series of dialogue stories. The chain of stories unwinds with one narrative following immediately after another and no editorial comments.[125] In each of the five stories that the Bavli introduces, as in the mishnaic story, the topic of conversation is either the reality of idols or the efficacy of their worship. Rabban Gamli'el plays a central role in this sequence, representing Jewish views to non-Jewish interlocutors in two out of the five stories. In the first (b. AZ 54b–55a), he interacts with an unnamed philosopher in an extended debate about the nature of God's jealousy and enlists common-sense reasoning to demonstrate why God has no beef with the objects of idolatrous worship, but only with the idolators who revere such inappropriate things. In the second story, Rabban Gamli'el bests his non-Jewish challenger even more quickly and decisively. When a Roman general questions why God would be jealous of other gods if they were not real, Rabban Gamli'el subdues the provocation with a single retort:

> General Agrippa asked Rabban Gamli'el, "It is written in your Torah, 'For the Lord your God is a consuming fire, a jealous god' (Deut.

> 4:24). Is it not the case that only a sage would be jealous of a sage, a hero of a hero, and a rich man of a rich man?!"
>
> He said to him, "I will make an analogy for you. What does this thing resemble? It is like a man who takes on a [second] wife, in addition to his [first] wife. If the second is more distinguished than she, she is not jealous of her; if she is more lowly than she, she is jealous of her."[126]

Here, as in the mishnaic story in which non-Jews question the Jewish elders of Rome, a non-Jew seeks to snare a Jewish sage into acknowledging the reality of pagan deities. General Agrippa enlists words of Torah to make his case that the God of Israel Himself acknowledges that other deities are actual gods—for if they weren't real gods, then why would God be jealous of them? The general points out that jealousy is an affliction that affects one's relationships with one's peers—one does not generally feel jealous of those who belong to an entirely different station in life. Rabban Gamli'el effectively neutralizes Agrippas's argument when he counters with an analogy to the domestic realm, pointing out a nuance of jealousy that the Roman general had not considered: while it is the case that one feels jealousy in relation to one's peers, when those peers are truly more worthy and venerable one is not jealous; it is only when one's peers are unworthy of their privileges that one becomes jealous. The general has no response to Rabban Gamli'el's retort, and his silence demonstrates that Rabban Gamli'el has once again prevailed in debate with a prominent non-Jew.

The role that Rabban Gamli'el fulfills in this story accords well with the Bavli's characterization of him as a forthright interlocutor in his conversation with Proclus. As a rabbi who is also patriarch—a civic position recognized by Rome—Rabban Gamli'el can meet both philosophers and generals from a position of high social stature. The Bavli's placement of two stories featuring Rabban Gamli'el at the center of a chain of dialogue stories accentuates his role as a mediator between the Jewish and non-Jewish world. These stories are by no means placid depictions of harmony between Jews and the representatives of Roman thought and empire. They are polemical stories, in which the rabbi cleverly bests the Jews' most powerful rivals. Even as they highlight the antagonism and religious differences that separate Jews and pagans, however, there is a striking difference between these stories of dialogue and the martyrdom stories that dominated AZ's opening chapter. Unlike the stories of Roman torture and execution

from "Lifney ʾEydeyhem," in these dialogues Jews and Romans meet as rivals who are also interlocutors. In this section of AZ, the arena for Jewish-pagan rivalry is the realm of debate and intellectual exchange, a realm where rabbis are depicted as having a clear advantage, despite the domination of Rome in other areas of life. Depictions of Rabban Gamliʾel and other rabbis prevailing in debates with non-Jews make a case for intellectual exchange between rabbis and others by demonstrating that rival religions pose no threat to God, His Torah, or the Jewish people.

The prominence of Rabban Gamliʾel in this section reflects the editors' efforts to present cosmopolitan intellectual exchange as a tradition with a long and distinguished rabbinic patrimony. Over the course of this entire section of b. AZ, the Bavli editors cultivate a consistent image of Rabban Gamliʾel as a diplomat who engages his rivals with confidence and magnanimity. They mold the character of Rabban Gamliʾel into a figure who embodies both their leniency with regard to images and their openness with regard to intellectual exchange. As depicted by the editors of AZ, Rabban Gamliʾel's combination of liberality, straight talk, and gravitas makes him a perfect model for their own philosophical adventures. Throughout this section of AZ, stories of conversations between rabbis and non-Jews construct a tradition of respectful intellectual exchange that lends legitimacy to the editors' own engagement with non-Jewish sources of knowledge.

CLOSING A CIRCLE

For the Bavli editors, this section of AZ is an opportunity to deliberate about what it means to be human in a material world of things, and their deliberations engage concepts and questions under debate among philosophers and scholastics in the non-Jewish world. Though the Mishna's rulings on idolatrous objects are the prompt for the Bavli's discussions, idols are only ostensibly the item under discussion, the actual topic being all material objects, their makeup, identity, and form. When the Bavli discusses idols, the dialectics remain squarely focused on the objects themselves, and attend only minimally to those who worship them. Within this section, non-Jews are not vilified or degraded as they are in other sections of AZ, but are generally depicted as rational thinkers and interlocutors.[127] The Bavli editors here relate to non-Jewish sources of knowledge as resources

for reasoned reflection. Rabban Gamli'el's dialogues with non-Jews are presented and interpreted so as to serve as a precedent for the editors' openness to non-Jewish culture.

From the opening sugya of AZ up through the stories that are collected on pages 54b–55a, the Bavli's discussions focus on the differences that separate Jews from non-Jews, and on the qualities and experiences all people share in common. In exploring these differences and commonalities, the editors chart a journey through multiple realms of human experience, situating the human in relation to the ethereal world of souls, the carnal domain of impulse, the physical environment of material things, and an intellectual world of reason and theory. To be sure, this overarching project does not surface on every page, or even in every sugya, but I would argue that it accounts for much of the material in which the Bavli departs from the Mishna and shapes its own message, distinct from the Gemara's commentarial function.

In the talmudic materials that I survey in this chapter, the Bavli editors are more restrained in their interventions than in earlier parts of the tractate, but their dialectical treatments of the Mishna's rulings bear a distinctive stamp nonetheless. The Bavli parlays the Mishna's discussion of idols into an investigation of the nature of material reality. Extending the conservationist impulse that allows for the reuse of broken and rejected idols, the editors take bits and pieces of tannaitic tradition and repurpose them in constructing a new discourse about materiality. From the Mishna, the Bavli learns that it is people who assign meaning to things whenever they draw artifacts into the realm of human concern. Opening a dialogue with other sources of knowledge, the Bavli probes questions of ontology, developing concepts of form and matter, identity and change, and representation. In this section, as AZ engages the inanimate stuff that the world is made of, the editors find common cause with non-Jews who think and talk about similar questions. At times, a sense of shared human experience and patterns of thought almost eclipses the bright lines of religious difference.

As this section ends, so too does the Bavli's sustained investigation into what distinguishes Jews from others. While there is still a good chapter and a half to go until the tractate reaches its end, AZ's closing section is an excursus that stands apart from the preceding sections. As I show in my concluding chapter, from this point on, the editors pull the boundaries of their concern closer in. In the final

section of AZ, the editors shift their attention away from relationships between Jews and other people, and train their focus on the differences between rabbis and other Jews. With this shift, they all but dispense with fantasies of essential Jewish difference, and engage instead in an even more restrictive form of elitism, promoting their distinctive approach to Torah as the only distinction that ultimately matters.

CHAPTER 5

The Last Laugh

Laughter is satanic; it is therefore profoundly human. In man it is the consequence of his idea of his own superiority; and in fact, since laughter is essentially human it is essentially contradictory, that is to say it is at one and the same time a sign of infinite greatness and of infinite wretchedness, infinite wretchedness in relation to the absolute being, of whom man has an inkling, infinite greatness in relation to the beasts. It is from the constant clash of these two infinites that laughter flows.

—Charles Baudelaire, "Of the Essence of Laughter"

IN CONCLUSION

There is a significant shift in subject matter that occurs toward the end of "Rabbi Yishmaʿel," on AZ 55a. At this point in the tractate, as the talmudic commentary takes up the mishna corresponding to m. AZ 4:8, it follows the Mishna in moving away from the topic of idol worship and returning to the topic of Gentile wine. The remainder of "Rabbi Yishmaʿel" and the whole of the tractate's final chapter, "Ha-sokher ʾet Ha-poʿel," discuss prohibitions of wine and food. With this topical shift comes another significant change, as the Bavli turns its focus away from the boundary separating Jews from non-Jews, and instead attends to the differences that distinguish rabbis from other Jews. Redrawing the boundaries that separate who is in from who is out, the editors pull their circle of identification inward, excluding the masses of common Jews who do not share their halakhic practice, their scholastic pursuits, or their interpretation of Torah.

The editors' narrowing circle of identification makes the concluding words of AZ all the more surprising. AZ ends with a compact and colorful account of what happens when King Shapur welcomes two Jewish visitors to his court and offers them refreshments. The short anecdote closes with the King chastising one of his guests for his bad behavior.

I have argued for reading AZ as a sustained deliberation about three related questions: What constitutes Jewish difference? What do Jews and others share in common? What does it mean to be human? As I show here, the concluding story of the tractate confirms this reading in that it engages these themes. But it is not just the thematics of the story that makes it such a fitting conclusion to the tractate. Brief though it is, the story of King Shapur displays many of the discursive qualities that characterize AZ as a whole. Coming at the end of a tractate that is full of reversals, inversions, secrets, and other surprises, the story packs a punch because it ends with a twist—it gives the last word on what constitutes Jewish belonging to King Shapur, a non-Jew.

What do the final words of AZ intimate about the nature of Jewish difference? Where does the arc of the tractate propel us in our investigation of what it means to be human? I close with some reflections on what this study of AZ suggests to me about the place of humans in the world, and about the place of humanistic studies in the university.

CHANGING VIEWS ON THE ʿAM HA-ʾARETZ: FROM OTHER JEWS TO JEWISH OTHERS

In the closing section of AZ, non-rabbinic Jews take their place alongside non-Jews as objects of derision and as a focus for rabbinic rules of social segregation. The rabbinic elitism that is on display here is very much in keeping with scholarly characterizations of the Babylonian rabbis. Jeffrey L. Rubenstein highlights the haughtiness of the Babylonian rabbis vis-à-vis other Jews as one of the distinctive features of the culture of the Babylonian Talmud. He argues that the anonymous sages who edited the Bavli, those whom he calls the "Stammaim," can be distinguished both from earlier generations of Babylonian rabbis and from Palestinian sages in their hyperbolic expressions of contempt for any Jew they consider an *ʿam ha-ʾaretz*.[1] Though AZ does not preserve the strident expressions of such imperiousness that are in evidence elsewhere in the Bavli, new scholarship on how the meanings of *ʿam ha-ʾaretz* shift in successive chapters of rabbinic history nonetheless offers a helpful backdrop for my analysis of how the editors of AZ draw and redraw the boundaries separating "us" from "them."

Yair Furstenberg chronicles the changing meanings of *ʿam ha-ʾaretz* in the biblical, Second Temple, and tannaitic eras.[2] Though the term appears in a variety of scriptural contexts, Furstenberg points

out that in rabbinic literature, *ʿam ha-ʾaretz* always has a negative connotation and functions in opposition to the terms *rabbi, ḥaver* (colleague, or fellow), and *parush* ("Pharisee," or one who separates himself).[3] This means that the label functions much as the term *goy,* in that it does not describe an actual identity, but constructs a binary opposition between rabbis and others. Furstenberg traces the rabbinic sense of *ʿam ha-ʾaretz* to the closely related *ʿamey ha-ʾaretz* and *ʿamey ha-ʾaratzot* that appear in Ezra and Nehemiah, where they refer either to non-Israelites or to Israelites who have intermarried and assimilated with non-Israelite nations.[4] When Ezra and Nehemiah call on Israelites, priests, and Levites to segregate themselves from *ʿamey ha-ʾaretz,* the primary reasons Ezra and Nehemiah provide relate to concerns about purity.[5] When the Tannaim later come to define the *ʿam ha-ʾaretz* as a Jew who is lax in maintaining purity law, the association between the term *ʿam ha-ʾaretz* and purity traces back to Ezra, even though the precise meaning of the term has changed.

Furstenberg goes on to propose that over the course of tannaitic history, the connotations of *ʿam ha-ʾaretz* continue to change so as to align with new cultural realities and with corresponding shifts in rabbinic values. The earliest Tannaim adopt a sectarian outlook on purity when they define the *ʿam ha-ʾaretz* as a Jew who is not sufficiently fastidious in observing the stringencies of purity law, and prohibit contact with him on that basis.[6] For Furstenberg, the treatment of the ʿam ha-ʾaretz by these ancient sages reflects their commitment to the signature feature of Pharisaic practice; like the Pharisees, the sages uphold the same standard of purity in the preparation of ordinary food that is required in the preparation of cultic sacrifice. Later, however, when concern about purity declines among the Tannaim, the term *ʿam ha-ʾaretz* is resignified, and Furstenberg detects this shift in the tannaitic passage that serves as the *locus classicus* for scholarly treatments of the ʿam ha-ʾaretz*:* "And who is considered an ʿam ha-ʾaretz*?* Anyone who does not eat his ordinary food in a state of purity, according to Rabbi Meʾir. But the sages say: Anyone who does not tithe."[7] What the Tosefta presents as a tannaitic dispute about the definition of the ʿam ha-ʾaretz is for Furstenberg a record of a change in rabbinic self-definition. When changing historical circumstances mean that purity practices no longer serve as a marker of rabbinic identity, later generations of Tannaim redefine the *ʿam ha-ʾaretz* as a Jew who is lax in separating tithes.[8] For Furstenberg, the *ʿam ha-ʾaretz* is never an identity claimed by any actual person or group, but is rather a rabbinic projection.[9]

Though Furstenberg's account does not extend into the talmudic period, his proposal to read the term *ʿam ha-ʾaretz* as a cipher for rabbinic identity is applicable to continuing shifts in the term's signification, leading up to its modern use to designate an ignoramus. In every phase of rabbinic history, rabbis use the term to label those Jews who are different from themselves in ways that are most important to the rabbis at that time. Rubenstein picks up the thread of this story precisely where Furstenberg's account leaves off. He notes that the meaning of *ʿam ha-ʾaretz* broadens in the amoraic period, when it comes to signify a wide array of lapses. The following passage from b. Berakhot 47b is presented in the guise of a baraita, but as Rubenstein points out, there is good reason to think its attributions to Tannaim are pseudepigraphic,[10] since this material does not appear in any work prior to the Bavli:

> Our sages taught: Who is an ʿam ha-ʾaretz? Anyone who does not recite the Shema evening and morning; these are the words of Rabbi ʾEliʿezer.
>
> Rabbi Yehoshuʿa says: Anyone who does not put on tefilin.
>
> Ben ʾAzai says: Anyone who does not have a mezuza on his door and fringes on his garments.
>
> Rabbi Natan bar Yosef says: Anyone who has sons but does not devote them to Torah study.
>
> The sages say: Even if he has studied Scripture and Mishna but does not attend upon the sages—behold, this one is an ʿam ha-ʾaretz.[11]

Attributing this wide array of definitions to Babylonian Amoraim, Rubenstein notes that in this phase of rabbinic culture, *ʿam ha-ʾaretz* has become a catch-all phrase for a whole range of behaviors that offend rabbinic sensibilities, from neglect of central scriptural commandments to refusals to kowtow to rabbinic authority. The final opinion effectively designates any Jew who is not himself a rabbi or rabbinic disciple as an *ʿam ha-ʾaretz*. According to the Babylonian Amoraim, a Jew can either be for the rabbis or against them, but there is no middle ground.[12] For the Amoraim, the ʿam ha-ʾaretz is the quintessential Jewish Other.

Rabbinic attitudes toward the ʿam ha-ʾaretz become even more extreme after the amoraic period. Drawing on the critical scholarship of Stephen Wald, Rubenstein argues that the Bavli's most violent expressions of contempt for the ʿam ha-ʾaretz can be attributed to the anonymous redactors of the Bavli who succeed the Amoraim. Wald

demonstrates how the anonymous editors revise earlier discussions of the ʿam ha-ʾaretz, splicing words of abuse into earlier traditions, as can be observed in the following passage from b. Pesaḥim 49b:

1. Our rabbis taught: Let a man always sell everything he has and marry the daughter of a scholar. If he does not find the daughter of a scholar, let him marry the daughter of the leaders of the generation. If he does not find the daughter of the leaders of the generation, let him marry the daughter of the heads of synagogues. If he does not find the daughter of heads of synagogues, let him marry the daughter of supervisors of charities. If he does not find the daughter of supervisors of charities, let him marry the daughter of teachers of schoolchildren.
2. But [let him] not [marry] the daughter of an ʿam ha-ʾaretz, for they are repulsive, and their wives are vermin, and concerning their daughters it is said, "Cursed be he who lies with any beast." (Deut. 27:21)[13]

Though the Talmud presents the entire passage as a single baraita, Wald argues that only part 1 above is original, and he attributes part 2 to late, anonymous editors. In Wald's reconstruction, the editors drew the language of part 2 from a parallel passage on b. Eruvin 55b, and appended it to the baraita.[14] One hint that part 2 is a later addition is its deviation from the consistent verbal pattern that is maintained throughout part 1: ("If he does not marry . . . then let him marry"). Unlike any of the clauses in part 1, part 2 is couched in negative language and includes both a rationale and scriptural support. Beyond these differences in structure and language is a salient contrast in tone. In part 1, there is a strong sense of hierarchy, with scholars enjoying the highest social status, followed by communal leaders and other communal servants, but there is no expression of disdain toward those of lower status. Part 2, however, conveys a violent contempt for the ʿam ha-ʾaretz, accusing his womenfolk simultaneously of being animals and of sleeping with them.

Wald's textual analysis of this passage and the remainder of the sugya in which it appears demonstrates a thoroughgoing revision of earlier Palestinian traditions on the part of the Bavli redactors. As Wald shows, the sugya is constructed from authentic Palestinian traditions in which Tannaim such as Rabbi Meʾir prohibit or discourage certain activities with an ʿam ha-ʾaretz on the grounds that they do not maintain the strictures of purity law and other aspects of rabbinic teaching. Within the context of the Bavli sugya, however, these traditions have been modified, expanded, or interpreted in ways that impute to the Tannaim an antipathy to the ʿam ha-ʾaretz that is not

to found in the tannaitic sources themselves.[15] On the basis of Wald's analysis, Rubenstein makes two distinct claims about the Bavli's treatment of the ʿam ha-ʾaretz: first, that the hateful rhetoric of b. Pesaḥim 49b can be dated to the last phases of the Bavli's development, and second, that the extreme attitude on display in this passage constitutes the rule rather than the exception. For Rubenstein, this antipathy toward non-rabbinic Jews emerges after the amoraic period, and is a signature feature of the extreme elitism of "stammaitic" culture. Though Rubenstein cannot fully account for the extremity of the Bavli's treatment of the ʿam ha-ʾaretz, he connects the phenomenon to the Babylonian editors' scholastic culture, to a widening gulf between the rabbinic academy and the general Jewish population, and to the promotion of Torah study over all other religious endeavors.[16]

While my reading of AZ neither confirms nor invalidates Rubenstein's claims about the phases of the Bavli's redactional history, it dovetails with his portrait of Babylonian rabbinic culture in productive ways. Rubenstein highlights those passages in which rabbinic difference is asserted most stridently, and his characterization of the Bavli's elitist outlook corresponds rather precisely to what I would characterize as the dominant voice in AZ as a whole. In b. Pesaḥim 49b above, as in so many of the passages we have examined from AZ, the editors' outlook is strongly hierarchical and chauvinistic. As Rubenstein notes, the passage above uses precisely the same dehumanizing tropes to denigrate the ʿam ha-ʾaretz that the opening sugya of "ʾEyn Maʿamidim" employs in degrading non-Jews.[17] In highlighting the way b. Pesaḥim 49b juxtaposes three orders of Others—the ʿam ha-ʾaretz, the non-Jew, and the animal—Rubenstein identifies the interlocking hierarchies that undergird the dominant vision of human difference in AZ as well. The Bavli's disparagement of the ʿam ha-ʾaretz reifies the degradation of non-Jews and of animals, so that rabbis emerge as the pinnacle of creation, exalted above other Jews, who are in turn exalted over other people and over other animals. This picture of human relations that Rubenstein assigns to the Bavli's anonymous editors generally aligns with the hierarchical vision expressed in AZ. But though the degradation of others is the dominant voice in AZ, it is not the only voice. As I suggested in my reading of "ʾEyn Maʿamidim" in Chapter 2 above, in the push-and-pull of talmudic dialectic the denigration of others is not the whole story, because even as AZ exalts Jews over non-Jews and humans over animals, the boundaries it draws presume connections of affinity and

kinship. The imposition of separation is itself an acknowledgment that there is much that Jews and others share in common. Often this recognition of a common human bond is tacit and implicit, but on occasion it is explicitly expressed in a countervoice that challenges the dominant assertions of Jewish supremacy.

One of the principal findings that emerges from my reading of AZ's first four chapters is the degree to which AZ's "otherizing" of non-Jews is an exercise in separating like from like. In AZ's final chapter, as the editors shift their focus away from the non-Jew and confront another Other, the ʿam ha-ʾaretz, the task of asserting difference in the face of commonality becomes even more pressing.

THE NARCISSISM OF SMALL DIFFERENCES (AZ 59A AND AZ 70B)

Beginning with the final pages of "Rabbi Yishmaʿel," AZ addresses the halakhic challenges of interacting with an ʿam ha-ʾaretz with increasing frequency. Over the course of this final section of the tractate, the talmudic deliberations develop an analogy between Jews and non-Jews on the one hand, and "people of Torah" and *ʿamey ha-ʾaretz* on the other. While the rhetoric of AZ with regard to the ʿam ha-ʾaretz never approaches the venom with which non-Jews are denigrated earlier in the tractate, at times the legal stringencies AZ prescribes to segregate "people of Torah" from other Jews exceed the strictures that separate Jews from non-Jews.

The Bavli's first prompt for drawing an analogy between non-Jews and ʿamey ha-ʾaretz is the mishna that reads: "One may tread grapes with a non-Jew in a winepress, but one may not cut grapes with him. Concerning a Jew who performs these tasks in a state of impurity: one may not tread with him, or cut grapes with him, but one may transport wine casks to the winepress with him, and also take them away from the winepress."[18] Though the mishna does not mention the ʿam ha-ʾaretz explicitly, the ancient definition of an ʿam ha-ʾaretz as one who is lax in upholding purity law means that "a Jew who treads grapes in the state of impurity" can be understood as a reference to an ʿam ha-ʾaretz. Here, the topic of grapes serves as the bridge that connects the laws of yeyn nesekh to the laws of purity. Because wine is one of the substances that Scripture designates as a priestly offering (Num. 18:12), its preparation is governed by purity law. While the strictures of yeyn nesekh do not obtain until after grapes are crushed,

the laws of purity come into play from the moment that grapes are harvested. For m. AZ, the issue of the ʿam ha-ʾaretz's impurity is but a passing concern; it arises tangentially and is briefly engaged before the Mishna returns to the laws of yeyn nesekh. In the Bavli, however, attention to the ʿam ha-ʾaretz persists. M. AZ does not again mention concerns about impurity or about the ʿam ha-ʾaretz, but as the Bavli's deliberations unfold, the impure ʿam ha-ʾaretz increasingly takes his place alongside the non-Jew as a figure whose very proximity threatens the status of Jewish food and drink.

The particular threat that the ʿam ha-ʾaretz represents is first illustrated in a narrative tradition and then later taken up in the Bavli's legal dialectics. These traditions address the problem of Jews who do not adhere to rabbinic practices. Though these passages do not mention the ʿam ha-ʾaretz explicitly, they participate in the same cultural trend of rabbinic elitism that Rubenstein associates with the Bavli's animus toward non-rabbinic Jews.

The following narrative appears toward the end of "Rabbi Yishmaʿel," on 59a. Though it is ostensibly a report about the lawmaking activities of Palestinian rabbis, the story does not appear in any Palestinian sources, and there is good reason to think that it is an invention of the same anonymous Babylonian editors who shaped the tractate as a whole: "Rabbi Ḥiya bar ʾAbba stopped in Bey Gavla. He saw that there were Jewish women there who had conceived with converts who were circumcised but had not immersed. He saw Jews drinking wine that had been mixed by non-Jews. He saw Jews eating lupin beans that had been cooked by non-Jews, but he did not say a thing to them. He came before Rabbi Yoḥanan, who told him: 'Go and declare that their children are illegitimate, their wine is yeyn nesekh, and that their lupin beans are prohibited as the cooked food of non-Jews.'"[19]

The story recounts a rabbi's visit to a Jewish community whose religious practice diverges from the rabbinic standards in the slightest of ways. As Rabbi Ḥiya bar ʾAbba passes through the town of Bey Gavla, he notes discrepancies in local practice that are striking enough to pique his interest, but not sufficiently alarming that he feels moved to speak out against them. When he later reports what he had noticed, however, his teacher Rabbi Yoḥanan chastises him for keeping silent and pronounces that the lapses that Rabbi Ḥiya witnessed are in fact so grievous as to disqualify the people of Bey Gavla from

intermarrying with other Jews, and to render their wine and food unfit for Jewish consumption and trade.

The story engages Jewish law on both a practical and theoretical level. The three legal questions that the story highlights are all issues of lively debate among talmudic sages, and they are all specifically engaged within the pages of AZ. In each instance, there is some foundation to infer—as Rabbi Ḥiya does—that the practices of Bey Gavla are justifiable from the standpoint of rabbinic law. This makes the exacting certitude of Rabbi Yoḥanan's harsh decree all the more arresting. A brief survey of the halakhic particulars with regard to the three practices that Rabbi Ḥiya observes in Bey Gavla brings the contours of Rabbi Yoḥanan's position into sharp relief:

Jewish women conceive with converts who have not yet immersed

The fetuses of these pregnant women occupy a contested legal space at the intersection of two ancient halakhic debates: (1) Is the offspring of a Jewish woman and a non-Jew to be considered a legitimate child of Israel or a *mamzer*, the child of a prohibited union?[20] (2) Is circumcision sufficient for effecting conversion in the absence of immersion?[21] Given the confluence of two halakhic disagreements, there seems to be a strong foundation for regarding the children of these (almost) converts with leniency. Even if according to the stricter view, prospective converts cannot be considered fully Jewish until immersion, given their liminal status on the threshold of conversion, it does not seem unreasonable to extend to their children the benefit of the doubt. For Rabbi Yoḥanan, however, these extenuating circumstances are immaterial. One cannot be a little bit Jewish any more than one can be a little bit pregnant. On questions of personal status, Rabbi Yoḥanan banishes all shades of gray. For him, there is no in-between.

Wine mixed by non-Jews

This very issue is specifically addressed on AZ 58b, the preceding page. There, Rabbi Yoḥanan pronounces that wine that is mixed by non-Jews is prohibited, and he acknowledges that this is a rabbinic stricture, not a scriptural prohibition. Rabbi Yoḥanan's ban on mixed wine is prophylactic. It aims to prevent a breach of the scriptural prohibition on Gentile wine that is not mixed with water.[22] In asserting that the wine of the people of Bey Gavla is banned as yeyn nesekh, he asserts the authority of rabbis in general, and of himself in particular, to institute stringencies that exceed those set out by Scripture.

Lupin beans cooked by non-Jews

> The halakha governing foodstuffs cooked by non-Jews is the subject of a disagreement between the authorities of Sura and Pumbedita, a debate that is first set out on AZ 38a, and then reprised on 59a, in the Bavli's gloss on our story. According to the tradition of Sura, the ban on Gentile cooking does not extend to food that is palatable in an uncooked state, while according to Pumbeditan tradition the ban only applies to fine foods that might appear on a king's table. Since lupin beans can only be eaten cooked and are not a royal food, the dish that Rabbi Ḥiya saw the Jews of Bey Gavla eating would be prohibited in Sura but permitted in Pumbedita. The fact that the status of lupin beans is a subject that is disputed by the best rabbinic minds might seem to put the people of Bey Gavla in good halakhic company, but Rabbi Yoḥanan rules against the beans nonetheless. In doing so, he adopts a stringency even though there is a good foundation for leniency.

All three of the halakhic debates highlighted in the story of Bey Gavla involve legal questions of dubious certainty that have very high stakes. In decreeing that the community's wine and lupins are off-limits to Jews, Rabbi Yoḥanan isolates the community, effectively segregating the people of Bey Gavla from social, religious, and commercial interactions with other Jews. In declaring that their children are illegitimate, Rabbi Yoḥanan prohibits other Jews from marrying them, effectively cutting Bey Gavla off from the Jewish people. One wonders why Rabbi Yoḥanan so forcefully rejects Rabbi Ḥiya's instinct to disregard Bey Gavla's dubious practices. The story gives us every reason to think that the people of Bey Gavla are well-intentioned and pious Jews. Though they might be ignorant of the finer points of halakhic debate, they apparently observe the broad swath of commandments: Rabbi Ḥiya notes slight variations in their practice, but he has no quibbles with other aspects of their observance. Considering the controversial nature of these niggling discrepancies, and the grievous implications of a harsh verdict, why does Rabbi Yoḥanan not deign to give the Jews of Bey Gavla the benefit of the doubt? Why does he clamp down with such unrelenting stringency? The Bavli itself addresses this precise question in the gloss to the story that directly follows the narrative.

As the Bavli points out, Rabbi Yoḥanan's views on the offspring of not-yet immersed converts and on wine mixed by Gentiles are a matter of the talmudic record. On these two issues, he can have little wiggle room, since he has staked out and publicized his rulings. On the question of cooked lupin beans, however, there is no

evidence that Rabbi Yoḥanan is aligned with any opinion. Why does he nonetheless impose a stricture? "'Their lupin beans are prohibited as the cooked food of Gentiles.' Since they are not people of Torah. The reason [for the prohibition] is that they [the people of Bey Gavla] are not people of Torah. Consequently, if they had been people of Torah, the lupins would have been permitted."[23] The Bavli's gloss here explains that Rabbi Yoḥanan would have allowed Torah scholars to eat the lupins, but he imposes a stricter standard on the Jews of Bey Gavla precisely because they are not "people of Torah." For Rabbi Yoḥanan, the ignorance of the Bey Gavla Jews is not a foundation for special pleading, but the opposite—it is because these Jews are not Torah scholars that Rabbi Yoḥanan is moved to be so strict. While Torah scholars have the discernment to navigate subtle distinctions of the halakha, taking the necessary precautions so as not to overstep the sometimes elusive line between the permitted and the prohibited, simple Jews require a clear and straightforward boundary imposed from above. In providing the rationale for Rabbi Yoḥanan's surprising stringency, the Bavli discerns that this narrative is not simply a case story about three disputed areas of law; it is also a story with a meta-halakhic message, conveying a particular view about how law imposes boundaries in sites of contestation and liminality. According to the theory of halakha that Rabbi Yoḥanan represents, scholars alone have the wherewithal to maneuver the complex network of branching paths that comprises halakha in its most lenient and subtle manifestation. Simple Jews require stringencies to keep them on the straight and narrow.

According to the reasoning imputed to Rabbi Yoḥanan by the talmudic gloss, Bey Gavla is a portrait of what happens when ignorance and good intentions run amok. Left to their own devices, the pious people of Bey Gavla presume that men intent on conversion are suitable candidates for Jewish marriage as soon as they take the considerable step of circumcision. In the eyes of the law, however, the purest and most noble of intentions cannot on their own effect a change in personal status. Absent immersion, a prospective convert is but another name for a non-Jew. In banning further interactions with the commingled masses of Bey Gavla, Rabbi Yoḥanan shores up the bright line of the law, reinforcing legal boundaries in the contested spaces and liminal places where the borderlines of the Jewish community have become most blurred. In this story, rabbinic anxiety about

the porousness of the boundary between Jews and non-Jews is displaced onto Jews who do not uphold rabbinic strictures.

Read in this light, every detail of the story conveys rabbinic anxiety about the loosening of communal norms and the resulting dissolution of Jewish difference. I propose that the place name "Bey Gavla," like proper names in so many rabbinic stories, expresses the theme of the story. *Gavla*, from the Aramaic גבל, means to "mix," and in the Talmud the term is used to describe the mixing of clay (b. Shabbat 79a), of porridge (b. Shabbat 156a), and of food with wine (b. Gitin 70a). Bey Gavla represents a reality where Jews and others have been mixed and mingled to such a degree that Rabbi Yoḥanan considers a distinctive Jewish identity to have utterly dissolved. Each halakhic detail within the story works on two levels, conveying a discrete legal conundrum, but also representing the central problem of the story in metaphoric terms. The pregnancy conceived of a union between a Jew and a convert of questionable status expresses the total interpenetration of the familiar and the foreign, and the hiddenness of the fetus conveys the invisibility of distinctions of identity and status. The cup of wine mixed with water by a non-Jew represents the intermingling of Jew and Gentile. Though the precise cultural resonance of lupins is difficult to gauge, the beans bring the duality of the raw and the cooked into play, hinting at how the transformative effects of culture—for good or for ill—cannot be reversed. All these details of the story cooperate in depicting Bey Gavla as a place where the boundaries between Jews and others are blurred to such a degree that a sense of Jewish difference is unrecoverable.

Though neither the story nor its accompanying interpretation explicitly mentions the ʿam ha-ʾaretz, in setting "people of the Torah" apart from the confounding Jews of Bey Gavla, the Bavli here constructs a precise counterpart to the image of the ʿam ha-ʾaretz that is conveyed elsewhere in the rabbinic corpus. As we have seen, the ʿam ha-ʾaretz is characterized primarily in terms of his lapses in observance. Depending on the period of rabbinic history, he is variously denigrated for his lack of meticulousness in observing purity law, in separating tithes, or in upholding any number of scriptural commandments; he does not trouble himself with the details of religious practice. The "people of the Torah," on the other hand, are characterized by their scrupulousness about halakhic details. This august group of rabbis, their disciples, and their devotees are keenly attuned to fine legal distinctions, so they can be trusted to navigate the intricate

convolutions of halakhic pathways, tracing the outer edges of rabbinic license without trespassing trip-lines of doubt, dissension, or assimilation. The story of Bey Gavla and its accompanying interpretation thus offer a conceptual introduction to the narrowing circle of communal belonging that accompanies AZ's turn from non-Jewish others to non-rabbinic Jews.

Though the mishnayot in the fifth and final chapter of m. AZ do not mention the ʿam ha-ʾaretz at all, the talmudic discussion returns to him time and again. In three separate sugyot, the talmudic dialectic compares the strictures governing non-Jews and yeyn nesekh to rulings concerning the ʿam ha-ʾaretz and ritual impurity.[24] For example, on 70b, one sugya extrapolates a leniency in the law of yeyn nesekh by drawing an analogy to the laws of the ʿam ha-ʾaretz. The issue under debate concerns a situation in which a Jewish wine merchant has left the key to her locked stores of wine in the keeping of her non-Jewish neighbor. In such a case, does the Jewish woman's wine come under suspicion as yeyn nesekh? Is the wine presumed to have been compromised by the non-Jew who holds the key? ʾAbaye's support for a lenient ruling appeals to laws governing the ʿam ha-ʾaretz:

> ʾAbaye said: We have learned similarly in a mishna: In the case of a rabbi who gave his key to an ʿam ha-ʾaretz, his pure produce remains pure, because he only charged him with safeguarding the key [not with guarding the actual produce].
>
> Now seeing as his pure produce remains pure, concerning yeyn nesekh how much the more so!
>
> Is this to say that purity law is more stringent than the law of yeyn nesekh?
>
> Yes! (For thus it was said:) Concerning a courtyard divided only by pegs [that a rabbi shares with an ʿam ha-ʾaretz], Rav said: His pure things are rendered impure. But, in the case of a non-Jew, [the rabbi's wine] does not become yeyn nesekh.[25]

ʾAbaye's reasoning presumes that the laws that protect pure produce from the defilement of the ʿam ha-ʾaretz are stricter than the laws that protect Jewish wine from contact with Gentiles. He makes an *a fortiori* argument that if leniency obtains in the case of the ʿam ha-ʾaretz, it necessarily obtains in the case of the non-Jew as well. As the sugya continues, the anonymous voice questions ʾAbaye's presumption: Is it really the case that purity law is more stringent than the law of yeyn nesekh? Citation of an amoraic statement confirms ʾAbaye's position, providing yet another tradition in which the potency of the ʿam ha-ʾaretz threat to purity outstrips the power of Gentiles to disqualify wine.

In the passage above, when the anonymous voice balks at ʾAbaye's presumption that the ʿam ha-ʾaretz is a more serious threat than the non-Jew, this incredulousness is well placed. As I noted in Chapter 3, the overall impression conveyed by AZ is that non-Jews pose a dire threat to Jewish wine. The gravity of the yeyn nesekh issue is conveyed both by the tractate's relentless attention to the topic and by the stringency that characterizes the whole body of law; as we have seen, the talmudic authorities themselves acknowledge that the strictures surrounding yeyn nesekh are more extreme than either reason or Scripture would seem to warrant. Against this background, ʾAbaye's argument seems all the more astonishing. ʾAbaye proposes—and the anonymous editorial voice confirms—that the defiling power of a fellow Jew poses an even worse threat to Jewish foodstuffs than does a non-Jew with unsupervised access to wine. Coming in the final pages of a treatise obsessed with the threatening touch of a non-Jew, this move has deep reverberations. ʾAbaye's legal reasoning effectively demotes the non-Jew from the status of "Halakhic Enemy Number One," installing the ʿam ha-ʾaretz in his place.

To be sure, to say that the problem of impurity poses a more trenchant halakhic challenge than yeyn nesekh is not the same as directly vilifying the ʿam ha-ʾaretz. The technical halakhic considerations under discussion in the sugya do not transparently translate into moral terms. That is, to be impure, even contagiously impure, is by no means an ethical failing.[26] But the defilement of the ʿam ha-ʾaretz is different than the impurity contracted by ancient Jews, because the figure of the ʿam ha-ʾaretz is a projection of the rabbinic imagination that is never neutral. The ʿam ha-ʾaretz is defined by his laxness with regard to religious requirements, and so his impurity is not accidental but a result of a willful lapse. Furthermore, the halakhic engagement with impurity in "Ha-sokher ʾet Ha-poʿel" is just one element of the thoroughgoing reorientation of AZ's axis of otherness that occurs at the end of the tractate. Together with the rich narrative expressiveness of the Bey Gavla story and with the emergence of the designation "people of Torah," the new focus on the toxicity of the ʿam ha-ʾaretz effectively transfers the suspicion and resentment that was earlier directed across the Jewish-Gentile divide to targets within a Jewish circle.

The shift from the non-Jew to the ʿam ha-ʾaretz is more subtle and more interesting than the mere exchange of external enemies for internal ones. One way to characterize this change is as a move

away from the externals of social position and toward interiority and subjective measures of belonging. In the end, AZ's investigation of Jewish difference shifts its focus from inherited identities to matters of volition. In contrast to earlier parts of the tractate, where otherness is a feature of group identity and non-Jews are repudiated solely on the basis of their status as non-Jews, here otherness is defined in relation to the rabbinic sense of Torah and the supreme value of scholarship. Rabbinic values are dressed in flesh and projected onto the opposing types of "people of Torah," on the one hand, and ʿamey ha-ʾaretz, on the other. In heaping their contempt upon the ʿam ha-ʾaretz, the editors are not vilifying actual people so much as concretizing what they value most. Insofar as the ʿam ha-ʾaretz is but a projection of rabbinic values, his prominence in AZ's final pages registers a shift in how the editors constitute their own identities as Jews and as rabbis.

When we come to AZ's closing story, the full extent of this shift becomes evident. In the story of King Shapur, a non-Jew is valorized for his embrace of Torah, even as a Jew is disparaged.

THE LAST WORD (AZ 76B)

The immediate context for the story of King Shapur is a brief discussion of the necessary procedures for purifying kitchen implements when they are acquired from non-Jews. According to the Mishna, a knife merely needs to be polished in order to be *kashered,* rendered fit for Jewish use.[27] A series of amoraic traditions add further strictures. According to Mar ʿUkva bar Ḥama, polishing alone does not suffice; the knife must be stuck into the ground ten times. Rav Kahana adds that this only works if the knife does not have any nicks in it. Rav Huna the son of Rav Yehoshuʿa further stipulates that the ground must be untilled, and that this only obtains when the knife is used for cold foods. It is at this point that the Bavli offers the following story as an illustration:

> Mar Yehuda and Bati bar Tuvi were sitting in the presence of King Shapur. They were served a citron. The king cut a piece and ate it. He cut another piece and gave it to Bati bar Tuvi. He stuck the knife into the earth ten times, cut another piece, and gave it to Mar Yehuda.
>
> Bati bar Tuvi said to him, "And am I not a Jew?"
>
> He said [turning to Mar Yehuda], "With you, I am certain of this, but with you [turning to Bati bar Tuvi], I am not certain."
>
> Some say he said to him: "Remember what you did last night!"[28]

In its brevity, unexpected reversals, and use of stock characters, this anecdote shares many features with jokes. Though the central character shares a name with two known historical personages—King Shapur I ruled the Sasanian empire in the third century, while King Shapur II ruled in the fourth century—in the absence of any details that tie the story to a specific historical context, the appellation is best understood as a stock reference to a Persian ruler.[29] The character of Mar Yehuda can similarly be understood as a type: while the title "Mar" connotes an exilarch, the fact that this figure is not mentioned elsewhere in the Bavli suggests that he is a generic representative of rabbinic authority rather than a specific historical personage.[30] It is thus fitting that his name is roughly equivalent to the designation "His Honor Mr. Jew." Bati bar Tuvi, the character who completes this trio of characters, is a figure who represents a type that is harder to label.[31] Indeed, it is the very difficulty of fixing his identity that constitutes the central narrative tension. In recounting what happens when these three disparate characters come together, the storyteller appeals to stereotyped notions of identity and difference, much like a comic who reports on what happens when "a rabbi, the pope, and the president walk into a bar." Like any good joke, this talmudic anecdote not only exposes the shortcomings of conventional understandings, it also cleverly upends them. As a punchline to AZ as a whole, the story is as funny as it is profound.

As often observed, there is no surer way to ruin a joke than to try to explain it. The risk nonetheless seems worth it to me, in part because the passage of time and the history of the Bavli's reception have already conspired to squeeze so much of the levity out of the talmudic text. To my mind, the very appeal to a Persian king as an exemplar of halakhic propriety cannot be read but as a touch of whimsy; the fact that the aim of the particular practice King Shapur here upholds is to distance Jews from the defilements of Gentiles makes for an irony that is razor-sharp. When the alternative tradition appended to the end injects the whole incident with sexual innuendo, this is but a final confirmation that the story has a comedic slant. And yet, tradition has nonetheless read King Shapur's kashering procedures straight, as halakhic support for the amoraic strictures that precede his story.

As I have argued with regard to other narratives within AZ, King Shapur's story functions in multiple ways, and so it requires an interpretation that is layered. Read on its own, the story is best understood

as a joke. At the same time, within its immediate dialectical context, the tradition indeed provides evidence for normative halakhic practice. Ultimately, King Shapur's story serves as a fitting finale to the whirling twists and turns of AZ as a whole because of the way it reverses the opening sugya's summary judgment of non-Jews. All of this is to say that this is a tradition that is overdetermined, just as many jokes are.[32]

According to literary theorist Susan Purdie, there are two major schools of thought with regard to what makes a joke funny.[33] The first approach, which she calls "the superiority theory," emphasizes the social aspect of joking and argues that it is the degradation of others that elicits laughter.[34] The second approach, "the incongruity theory," calls attention instead to how a joke juxtaposes disparate objects and ideas in unexpected ways.[35] Both approaches inform my understanding of the King Shapur story.

Within the narrated world, when King Shapur has a laugh at Bati bar Tuvi's expense, the superiority theory effectively captures the social undercurrents of the exchange. Over the course of the short narrative, King Shapur degrades Bati in three distinct ways. The first offense is an act of omission, as the king extends the courtesy of kashering his knife to Mar Yehuda but not to Bati. Then, when Bati protests, King Shapur expresses an explicit put-down, claiming that Bati's Jewish identity is not self-evident. Finally, according to the ending that "some say," the king suggests that it is Bati's nighttime escapades that disqualify him from the considerations due his fellow guest. The consensus among the traditional commentaries is that King Shapur here refers to sexual dalliances on Bati's part. King Shapur thus casts aspersions not only on Bati's commitment to Jewish religious practice, but also on his personal virtue.

Though Mar Yehuda remains silent throughout this exchange, his status is enhanced by Bati's degradation. In serving as the audience for the king's joke, he gains a special intimacy with the king. Purdie highlights this aspect of joke-telling when she calls attention to how a joke reconfigures the positions of the teller, the listener, and the butt: "[A relationship is] formed collusively between the joke's Teller and its Audience (of one or more), which depends upon and creates their object's exclusion. This generates a delicious intimacy, which is pleasurable and powerful in itself, for important parts of the joking utterance remain tacit . . . so that the joking moment allows an unusual and potent joint subjectivity."[36] Purdie's account captures

the subtle social undercurrents of the encounter among King Shapur, Mar Yehuda, and Bati bar Tuvi. At the beginning of the story, the two Jewish guests are on equal footing; their joint audience in the royal court means that they both have been singled out for special privilege. As the narrative unfolds, Bati's position slips lower and lower and he becomes increasingly isolated; at the same time, Mar Yehuda is promoted and drawn closer to the king. By the end of the story, relationships have been realigned so that the king and rabbi form a united front, joined in laughter and joint understanding, while Bati, the butt of the joke, is excluded from their bond.

The superiority theory of comedy helps elucidate how King Shapur's joke functions as a power play that reshuffles social station, but this approach alone does not fully account for the story's punch. The comedy here is not broad but pointed, and it turns on the incongruousness of seeing a non-Jew upbraid a Jew for his failures of piety. This is the narrative's ironic twist: a non-Jew is cast as sentry over Jewish identity, and he inscribes a boundary for Jewish belonging that excludes a prominent member of the Jewish community.

Read in this light, King Shapur's story captures in vivid miniature the very shift in boundaries and alignments that characterizes this whole section of the tractate. In the traditions that precede this story, the ʿam ha-ʾaretz displaces the non-Jew as a source of defilement and an object of revulsion. The chief problem with the ʿam ha-ʾaretz is his disregard for the markers that distinguish Jews from non-Jews. A non-Jew who respects the social and religious boundaries that divide Jews and Gentiles is far less threatening than a Jewish boundary-crosser. King Shapur's character plays just this role when he aligns himself with the rabbis in upholding Jewish ritual distinctions. In this story, Gentile authority joins rabbinic authority in castigating Jews who undermine Jewish difference.

In addition to the joke on Bati that is staged within the world of the narrative, there is another level of jesting here, a winking collusion between the talmudic narrator and the rabbinic audience of AZ. The student of the tractate has come to understand the extensive body of law governing Gentile food and wine as an elaborate system for distancing Jews from close relationships with non-Jews. In depicting a non-Jew as a willing partner in the observance of these strictures, the storyteller now drives a wedge between the particulars of the law and their rationale. King Shapur honors rabbinic stringencies that separate Jews from non-Jews, and it is his very attentiveness to the details

of law that allow for commensality. Even as the story upholds the legal minutiae that AZ elaborates, it dissolves the conceptual framework in which they take shape, reconfiguring the stringencies into a very different kind of boundary. King Shapur's story suggests that though dietary restrictions need not be a barrier to social interactions with Gentiles, they are a barrier to relationships with Jews who do not uphold the finer points of rabbinic law. As AZ concludes, the editors use the closing narrative to assign new meaning to yeyn nesekh and other rabbinic institutions of social separation; these strictures become expressions not of Jewish distinction, but of an even more exclusive circle of rabbinic insiders. In the discursive world of the Bavli—as in the miniature drama within King Shapur's court—Jews who do not observe the finer points of rabbinic law are rejected.

Even as the story of King Shapur joins other traditions in the closing section of AZ in reconfiguring lines of exclusion and belonging, the story returns to the themes and motifs with which the tractate as a whole opens. In AZ's opening sugya, we read a story of divine judgment. God nestles a Torah scroll in His lap and proclaims, "May all who busied themselves with this come and claim their reward." Rome, Persia, and a parade of other foreign powers crowd into God's court to plead their case, and God rejects all non-Jews as irredeemable. Even when God gives them another chance to prove themselves, the assembled non-Jews fail to fulfill even the easiest precept, sitting in a suka. God laughs at their failure, rejecting them. The closing portrait of King Shapur opposes this depiction of non-Jews point for point: the Persian king is the author of a joke, not its butt. He is valorized, not rejected. Though he does not sit in the suka, he lavishes the full demands of Jewish law on the citron he holds in his hand. Shapur meets the precise standard articulated by the divine judge when he upholds the most exacting stringencies of Torah with meticulousness. Though he is a non-Jew, he qualifies as "a person of Torah."

The portrait of King Shapur that the closing story offers is of course not the first time that AZ opposes or undermines the opening sugya's condemnation of Gentiles—the tractate as a whole alternates between negative and positive depictions of non-Jews. Claims for Jewish superiority jostle with acknowledgments of a common humanity as boundary lines of belonging move up and down the chain of being. The valorization of the Persian king with which the tractate ends—like the condemnation of Gentile nations with which the tractate opens—is best understood as the swing of a pendulum in perpetual

motion. The dialectic refrains from throwing its weight behind a single conception of how Jews and non-Jews differ, but rather inscribes the bounds of its discourse around the polarities of identity and difference, attraction and repulsion. The story of King Shapur participates in this push-and-pull, and its placement at the very end of the tractate gives this episode an added punch.

At the end of five densely woven chapters dedicated to elaborating, rationalizing, interrogating, and fortifying divisions between Jews and others, the editors of AZ give the last word to a non-Jew. This is a beguiling move. King Shapur's story simultaneously dissolves claims of Jewish superiority *and* authorizes the very institutions that enshrine Jewish difference. On the one hand, the story represents a startling upset of rabbinic hierarchies, showing a Gentile to be more clever, wise, and pious than a Jew. On the other hand, the story neutralizes any possible objection to the complex of stringencies and suspicions that segregate Jews from non-Jews, depicting a foreign king who not only accedes to rabbinic strictures but even embraces them. In one possible reading, King Shapur gives voice to the Bavli at its most impudent and corrosive, making a mockery of AZ's implicit and explicit arguments for segregation from non-Jews. But it is also possible to understand King Shapur's story as a buttress to the laws of yeyn nesekh and other prohibitions, sealing these rabbinic institutions with the imprimatur of the king, and immunizing them from accusations that they are offensive to non-Jews. Like other passages we have seen, this narrative resists being reduced or abstracted into a unitary proposition. From within the narrative, King Shapur here invites our collusion in redrawing lines of exclusion and inclusion, turning settled notions of Jewish superiority inside-out and upside-down.

What does King Shapur's story ultimately say about what distinguishes Jews from non-Jews? While King Shapur certainly brings some punch to the tractate's final episode, in my view it would be a mistake to read this story as a clincher for AZ as a whole. King Shapur takes his place among a diverse cast of non-Jewish characters who pass through the pages of AZ, including Keti'a bar Shalom, the Roman advisor who intervenes to save the Jews from Caesar and then circumcises himself before being thrown into the furnace; Antoninus, the friend and confidant of Rabbi Yehuda Ha-Nasi; the unnamed Roman executioner who leaps into the pyre with Rabbi Ḥanina ben Tradyon; Dama ben Netina, exemplar of filial piety, though the Jewish leaders who seek to do business with him cannot appreciate his

virtue; and Rabban Gamli'el's interlocutors—Proclus, the Roman general Agrippa, and an unnamed philosopher—who needle Rabban Gamli'el with clever challenges, only to be silenced by the rabbi's retorts. Some of these characters exhibit a begrudging respect for Jews, some show sympathy, and some claim kinship unto death. All of them belie the characterization of non-Jews as dangerous or depraved in other parts of the tractate. While it is possible to regard this collection of characters as exceptions that prove the rule, outliers who merit the distinction of being singled out for narrative attention precisely because they stand out as anomalies in the violent vicissitudes of Jewish-Gentile relations, I am inclined to give these stories a different kind of discursive weight. I read them as components of a kind of conversation that resists resolution into principles and propositions, and that ultimately undermines every effort to give anyone the last word—even a rabbi.

What I have tried to capture about the way AZ unfurls is how the discourse folds in on itself, so that even as one hand inscribes boundaries, constructs concepts, and builds arguments, the other hand prods at the very foundations, sussing out seepages, poking holes, and unsettling things. In this richly textured world, ideas and general principles are sometimes explicated through examples, but particular illustrations are just as likely to be the undoing of any general claim. With its crosscurrents of law and narrative, arguments and counterexamples, the Bavli's multiform, multi-voiced discourse is distinctly suited to depicting the contingencies of human relationship and the incongruities of lived experience. Throughout AZ, it is this discursive mix that resists any unitary vision of what constitutes Jewish difference, and instead draws and redraws circles of commonality, exclusion, distinction, and connection. I read AZ as a work that is all about what it means to be human, but that offers few if any claims that can sustain the pokes and prods of its own discourse. I am suggesting that any grasping after summary statements or conclusions will come up short, because this tractate—like perhaps the Bavli generally—is not oriented toward final conclusions, but to exploring the complexities and contradictions of human experience.

AFTERWORD

Jews, Gentiles, and Other Animals argues for reading AZ as a unified literary work, a sustained project in which the rabbinic editors

investigate what it means to be human. At first glance, it might seem like there is a tension between my suggestion that the Bavli's discourse resists resolution into any unitary conclusions and my larger argument for reading AZ as a cohesive work. But the unifying principle that I discern in AZ is of a different order from the resolution of a narrative arc or the conclusion of a syllogism. My thesis is that there is a principle of organization that works at the level of the tractate, that an overarching trajectory propels AZ as a whole. In closing, I would like to return to this central claim and reflect on how my reading of AZ contributes to the field of talmudic studies and how this project relates to the larger world of the humanities.

To briefly review: I have sought to demonstrate that for the Bavli editors, AZ occasions big questions about the nature of Jewish identity, the meaning of Torah, and the place of humanity in the cosmos. To pursue these questions, the editors venture far beyond the mishnaic traditions that ostensibly organize the talmudic tractate. While Mishna ʿAvoda Zara exceeds its announced interest in idolatry, engaging a broad array of interactions between Jews and non-Jews, the Bavli ranges even further afield, enlisting both narrative and legal dialectics to investigate what people are made of, what differences among people matter most, and what differentiates humanity from the rest of world. The editors of AZ not only elaborate on the Mishna's norms for dealing with non-Jews, they use non-Jews to think with as they explore what it means to be human.

Within these pages, I have engaged the tractate at two different levels of literary analysis. At the micro-level, I have examined discrete sugyot and narratives, attending to literary devices such as metaphor, irony, parody, allusion, and wordplay, and exploring how considerations of form, style, and voice enrich the interpretation of talmudic discourse even as they destabilize normative meanings. Through close readings, I have traced the oscillations of AZ's dialectic and narrative, tracking how assertions of Gentile otherness alternate with intimations that non-Jews are not so different from Jews after all. At the macro-level, I have argued for reading the tractate as a whole as a literary unit, knit together through a network of recurrent themes and motifs and unified by an overarching structure.

At this macro-level, I have sought to show how the Bavli's departures from the Mishna trace a spiral down the cosmic chain of being: from the supernal realm of souls, to the quickness of animal bodies, to the organic vitality of food and wine, to the physical stuff

of the natural and built environment. Humanity participates in all these realms, and so even as the cosmic chain reifies hierarchy, it also affirms interconnections that enmesh the human in networks of dependence and relationship. At the end of the tractate, when the editors assert the supremacy of the rabbis over non-rabbinic Jews, this departure circles back to an idea that is first introduced earlier in AZ—that ultimately the difference that matters most is not the separation between humans and other forms of being, but rather the preeminence of a very exclusive circle who submit to the rabbis' Torah. AZ can thus be seen as putting humanity in its place, in two different senses: First, it locates humanity in a cosmic web, linking human existence to spiritual beings, animals, and things. Second, it suggests that the distinction of being human is of no real consequence, since the difference that really matters is to be a person of Torah.

How Does This Reading of AZ Contribute to the Field of Talmudic Studies?

To the degree that I have demonstrated extensive editorial intervention and design at the macro-level of the tractate, this reading buttresses the argument for treating the Bavli's anonymous editors as authors rather than mere redactors. It joins other recent studies in revising the concept of the Stam and in promoting the Bavli as a worthy object of literary study in its own right. As Moulie Vidas has recently pointed out, the foundational works of talmudic scholarship conceive of the anonymous layer of the Bavli as a veil that conceals an older and more authentic Talmud.[37] Redactional studies focus on penetrating through the interventions of the Stam so as to uncover the words of the Amoraim, and in doing so they obscure key aspects of the Bavli's composition, art, and ideology. Vidas's discovery of a strong, self-conscious authorial voice in the Bavli joins other recent scholarship that focuses on the creative activities of the Stam, such as Jeffrey Rubenstein's promotion of the Stammaim as creators of aggadic narrative,[38] and Daniel Boyarin's description of the Stam as the author who brings the discordant voices of the Talmud together.[39] While these scholars emphasize the inventiveness of the belated, anonymous editors, the evidence they marshal comes from readings of discrete stories and sugyot. By offering a sustained reading of an entire tractate, I am able to identify evidence of authorial activity on

a much larger scale. My reading of AZ expands and refines what it means to author the Bavli. The authorial functions I attribute to AZ's anonymous creators include the invention of narrative, the construction of dialectic, and the design of large-scale literary units such as the chapter and tractate. The author-editors' artistry is disclosed in the intricacy of discrete passages, and also in the arrangement of these passages into a sweeping work of thematic breadth.

My argument for the coherence of an entire tractate challenges Richard Kalmin's characterization of the Bavli as an anthology, miscellany, or archive of older rabbinic materials.[40] I have sought to demonstrate that by taking a broad, more distant view, one can discern an underlying logic that organizes AZ's disparate materials into larger literary units. While my findings cannot be generalized to other parts of the talmudic corpus, in the case of AZ, at least, I attribute the tractate's coherence to authorial design and intervention, rather than to an organic or self-organizing principle. In some respects, this approach is old-fashioned. There is a tension between the strong reading I offer of AZ as a cohesive, authored work and the posthumanistic critiques that I draw on in treating individual passages. The Talmud's meandering style, its encyclopedic scope, its associative logic, and its multivocality all recommend it as a discourse that acts like the fragmented world that is conjured by contemporary theory. In rejecting the characterization of the Talmud as a miscellany, I contest ways of reading that are far more amenable to the posthumanist emphasis on networks, assemblages, complexity, and multiplicity than is my own argument for literary unity.

In adopting a holistic approach to the Bavli, I have been guided by the distinction that Elliot Wolfson draws between fragmentariness and plurivocality: "I would propose that plurivocality and fragmentariness need to be kept distinct. Too often, it seems, they are confused, and one assumes that the former automatically implies the latter. To argue for a plurivocality of voices, however, does not necessarily mean that all we have are fragments. The overarching sense of the whole may, in fact, reverberate only through a polyphony of voices."[41] Wolfson here highlights the difference between an approach that regards bits and pieces as mere fragments, and one that sees them as components of a larger whole. While my main emphasis is on cohesion and coherence rather than on the collisions of voice and form that scholars such as Daniel Boyarin and Barry Wimpfheimer discover in the Bavli, the holism I aim to describe is not one that dissolves

multiplicity or harmonizes the jangle of discordant voices; the coherence I discern operates at the level of the tractate in its organization into broad thematic units, while dialogism is a quality of talmudic discourse throughout. By pursuing the unifying elements of the tractate, I uncover elements of the Talmud's formation that have heretofore been under-theorized.

Though I have framed my reading of AZ as a foray into posthumanism, by now it should be clear that this book engages critical theory in an eclectic way. My interest is not in applying new trends to the Talmud but rather in broaching how talmudic scholarship might enter the critical fray, drawing from some currents and pushing back against others. I am interested in how scholarship from outside the field of talmudic studies can enhance the investigation of the Bavli, and also in how talmudic studies can contribute to critical conversations about language, literature, and the world.

How Does This Project Relate to the World of Humanistic Scholarship?

This book follows after the humanities in two respects, corresponding to two distinct meanings of the word "after." First, there is the sense of "after" that is implied by the prefix "post"—as in "posthumous," "postmodern," "posthuman." This sense of "after" puts the accent on discontinuity, rupture, and change, suggesting that what came before has given way to something qualitatively different. While this meaning of "after" implies an opposition, it is not necessarily a combative opposition, as the contrast between "posthuman" and "antihuman" makes clear.

The specific change that the "post" of the posthuman announces is a change of subject. What does not change with the advent of posthumanism is the central activity of the scholar as an interpreter and critic of texts and artifacts, and it is important to clarify that in this regard the posthumanities very much belong to the world of humanistic scholarship. I understand the posthumanities as a critical discourse that aims to de-center the human, challenging the notion that the individual human subject is the apex of all being. To read the Talmud *after* the humanities in this sense of "after" is to think critically about what counts as human for the Talmud, and to examine how the Talmud attends to other kinds of beings—to nonhuman animals, forces, and things. Over the course of this book, I have tried to

show how critical theory emerging from animal studies and the new materialisms enhances the interpretation of the Talmud, disclosing aspects and implications of AZ's engagement with matter, animals, and objects that we might not otherwise have seen.

A second sense of the word "after" puts the accent on continuity, even subordination. To follow after a teacher or leader means adopting that teacher or leader as a model or guide. The readings I propose in this book indeed follow after the humanities in this second sense as well, adopting humanistic studies as pursued in the university as a model for how to read the Talmud.

Reading AZ as a work of literature means examining the Bavli with instruments and questions that developed out of the study of very different kinds of texts. Philology, literary analysis, and critical theory all emerged from investigations of the literary tradition of the West, from Homer to Plato to Shakespeare to the modern novel. Over the centuries, a different array of reading strategies—strategies every bit as rigorous as those of critical scholarship—developed in rabbinical academies, where the Talmud enjoys pride of place at the center of the rabbinic curriculum. To subordinate the Talmud to the rule of the humanities—to read the Talmud as literature, as one would read a poem or a play—is in a certain sense to demote the Talmud, to disregard its normative power and ignore its real-world teeth as a source of religious and juridical authority. Since there are by now many precedents for bringing the Talmud into the sphere of humanistic studies, it is possible to lose sight of how impertinent this move can be. Reading the Talmud as literature, I make the Talmud less than many of its most ardent readers understand it to be, but I also make it more, exposing aspects of its artistry and meanings that the tools of humanistic scholarship are uniquely suited to uncover.

There is a grandeur to literature; though it has no teeth, it nonetheless aspires to penetrate the inner lives of readers. This is how Michael Wood describes the deep and subtle powers of literature: "Literature . . . does not deal in information or announcement. Literature is embodiment, a mode of action; it works over time on the hearts and minds of its readers or hearers. Its result in us, when we are receptive or lucky, is the activation of personal knowledge: knowledge of others and ourselves; knowledge of stubborn, slippery, or forgotten facts; knowledge of old and new possibilities."[42] Wood's paean to literature is evocative and also shrewd. Appearing in the pages of one of many recent volumes that address a widely perceived crisis

in the humanities,[43] Wood's words protest our culture's turn away from humanistic scholarship, offering a retort to budget-cutting officials, university administrators, and career-minded undergraduates who question what the study of literature is good for and who expect scholars to produce useful knowledge. Wood argues that literature does produce useful knowledge, of an intimate and transformative kind. This is the kind of knowledge that I posit can be discovered in the Talmud as well. I realize that my proposal to read the Talmud as literature in this age of information might cynically be compared to inviting a guest to a party after the dance floor has already emptied. But I see it is as a profoundly optimistic move, because the "us" that Wood invokes in speaking of readers of literature is so much broader than the "us" that is presumed by the editors of the Talmud. Implicit in the project of reading the Talmud as literature is the presumption that the Talmud has value and knowledge to offer an audience that does not subscribe to the rabbis' religious or juridical authority.

Alongside my proposal that the Talmud can be read as literature, evincing personal knowledge from readers and students of every background, I submit that it can also serve as a resource for critical theory and scholarly deliberation, generating knowledge that is public. Emerging from a culture at a remove from the tides that propel the ebb and flow of Western thought, the Talmud's distinctive discourse, vision, and values enter the fray obliquely, offering a fresh resource for addressing questions about what it means to be human. To paraphrase Bruno Latour, the Talmud was never modern. It is precisely because of the Talmud's peculiar status as a corpus that was never fully part of the Western tradition—but not entirely separable from it either—that the Talmud not only submits itself to literary analysis, but also "bites back," contributing to the project of critique.

Over the course of this book, I have described a variety of ways that AZ's deliberations intersect with aspects of the posthumanist project. In the conversations that this book stages between the Bavli and posthumanist theory, neither interlocutor consistently dominates the other.

To review some highlights of these critical exchanges:

Chapter 1 brings the hagiographic stories of "Lifney ʾEydeyhem" into conversation with new materialist critiques of the linguistic turn, examining how the stories both exemplify and thematize intimate interconnections between language and the world. I read the floating

letters of Rabbi Ḥanina's Torah as a protest against the violent bifurcations imposed by Rome, and interpret the grotesque debasements of Ben Dordya's story as a parody of religious tendencies to denigrate material bodies. In these stories, I discover a sympathy between the perspective of the talmudic storytellers and the new materialisms. Here, the interventions of critical theory serve to expose aspects of the Bavli that we might not otherwise have discerned, though they have been there all along.

Chapters 2 and 3 enlist critical theory in different ways. Drawing on critical animal studies, I investigate the animal-thinking that subtends the Bavli's partitioning of humanity into men and women, Jews and non-Jews. I examine the ways the Bavli's concepts of the human and the Jew are stretched, strained, and destabilized by considerations of gender and animality. Tracking the animal through the entire chapter of "ʾEyn Maʿamidim," I uncover a strategy of obfuscation and disclose the secret that the editors do not entirely conceal—that as human animals, Jews and non-Jews are very much the same. In these chapters, I draw on animal and gender theory to examine aspects of the editors' ideology, developing a critique of the Bavli's chauvinism. But I also use critical theory as a more subtle instrument of analysis, to expose tensions, frictions, and collisions within the Bavli's discourse, and to uncover elements of rabbinic self-critique with regard to the construction of social boundaries.

Finally, in Chapter 4, I turn the tables on posthumanist theory, using rabbinic literature to critique new materialist approaches to the physical world of things. Opposing recent efforts to humanize objects and to objectify humans, I offer the tannaitic view that is developed in AZ as an alternative. The tannaitic approach treats objects as extensions of human agency and intention. Within AZ, humans are portrayed as active participants in a vibrant world governed by God, teeming with other animals and strewn with all kinds of objects. In this rabbinic scheme, human beings are not the apex of being, but uniquely situated at the crossroads of meaning; humans expand the bounds of the habitable world whenever they draw other animals and things into their purview. In this way, AZ affirms the materiality that people share with other beings, without suggesting that matter is the only thing that humans are made of.

All these points of contact between AZ and the posthumanities are sites of constructive exchange, generating new, more nuanced knowledge about how the Bavli works, and about how we humans make sense of the world. In the give-and-take between the Talmud and contemporary theory, critique becomes a two-way street. In closing, I would like to indicate one additional area of both

confluence and challenge that emerges from a sustained reading of AZ.

One of the central themes that develops over the trajectory of AZ as a whole is the eminence of Torah. In AZ's opening story, the divine judge grasps a scroll of Torah, presenting it as the arbiter of the nations' fate. In the story of Rabbi Ḥanina, the Torah is the martyr's partner in suffering, and also the key to his redemption. In the opening sugya of "ʾEyn Maʿamidim," the revelation of Torah at Sinai neutralizes the taint of Eve's bestial transgression. The Torah theme rumbles through the entire tractate, reaching a crescendo in AZ's final section's designation of some as "people of Torah." Over the arc of AZ, a variety of meanings accrue to the concept of Torah: sometimes the materiality of the parchment is emphasized, sometimes the emphasis is on the meanings of the words, and sometimes the particular stringencies of rabbinic interpretation displace the words of Scripture altogether. Within AZ, the commitment to Torah can be expressed through study and teaching, or alternatively through the performance of particular obligations. But over and against the oscillating meanings of Torah, one consistent element emerges—for AZ, Torah functions as a principle of segregation, a mechanism for separating Jew from Gentile, man from woman, human from animal, and the redeemed from the unredeemed. As the tractate unwinds, the discriminating function of Torah ranges up and down the hierarchy of creation, and lines of inclusion and exclusion crisscross and shift.

In claiming a place for the Talmud at the table of the humanities, I do not mean to suggest that all aspects of talmudic discourse or ideology can or should be of critical use, and on the face of things there would seem to be little to recommend AZ's principles of exclusion as a site for constructive exchange. But there is one aspect of AZ's Torah concept that resonates with the posthumanistic project, and that is the elevation of one who submits to the Torah's thrall. In contrast to conceptions of the human being that have dominated Western thought since the Enlightenment, for AZ the human difference that counts the most is not characterized as rationality or autonomy, but rather as subjugation. The way one rises above the masses of animals and people is to submit to the yoke of obligation. The crowning distinction of those rabbis and exceptional others who qualify as "people of Torah" is their submission to stringencies imposed by others. In contrast to the free agents of western Enlightenment, the talmudic ideal is a human subject who is pressed down, bound up, enmeshed,

and encumbered. While the Talmud's theocentrism and ethnocentrism mean that the image of the sage clutching a scroll and wrapped up in obligation addresses contemporary readers from across a chasm of difference, the sense of the person of Torah as one who is bound up in responsibility to others might nonetheless strike a chord, offering a corrective to rationalist notions of buoyant, boundless, unencumbered selves.

I do not mean to suggest, however, that the bounded selves that AZ celebrates are the only expressions of humanness that AZ promotes. A very different portrait of what it means to be a person of Torah emerges at the end of AZ, when we meet the colorful character of King Shapur. King Shapur is AZ's fantasy of an audience, an important person who admires and esteems the abstruse preoccupations of rabbi-scholars, though he is not himself a Jew. Gracious and playful, King Shapur is ready to forgive the quirks of his pious interlocutor in the interest of good conversation. Maybe the last word on what it means to be a person of Torah rightfully belongs to him. AZ ends with a tantalizing scene of cosmopolitan connection, a moment of goodwill and joyful companionship achieved through the exchange of tasty morsels, words, and wit.

I offer this reading of AZ in the hope that it might contribute to realizing the fantasy of cosmopolitan conversation expressed through the story of King Shapur. As I noted in the introduction, the Talmud has long been at the center of encounters between Jews and others, and the history of the printed edition is intertwined with the emergence of humanistic studies. When the Christian humanists of the sixteenth century discovered AZ's stark segregations between "us" and "them," they censored the text, remaking it in their own image. Today, the study of AZ as literature means scholars and readers of all backgrounds can examine and study the strangeness of the work rather than trying to change it. The Talmud, like other expressions of humanity, confronts us with a mix of wretchedness and greatness, violence and humor, danger and possibility. At times, it offers entry into conversation with scholars and teachers we might recognize as our fellows though they speak across centuries and cultures; at times, it is not fellow-feeling we discover but a sense of vast difference. To claim a place for Talmud in the study of the humanities is to invite the peculiarities of the Talmud's idiom to teach us something about other people and other things, and also about ourselves.

NOTES

INTRODUCTION

1. This account of Dama Ben Netina's story is a composite of several variants of the tradition. Versions of the story appear in y. Peah 1:1, 15c; y. Kidushin 1:7, 61b; b. Kidushin 31a; and b.ʿAvoda Zara 23b–24a. Each version is slightly different. The colorful detail in which the Jewish characters try to negotiate a higher and higher price appears only in the Palestinian versions. For a full translation and discussion of the story as it appears in the Babylonian versions, see below. For analysis of all four variants and discussion of their interrelation and compositional history, see Shamma Friedman, "History and Agadah: The Enigma of Dama Ben Netina," in *Higayon L'Yona: In Honor of Professor Yona Fraenkel,* ed. Joshua Levinson, Jacob Elbaum, and Galit Hasan-Rokem (Jerusalem: Magnes Press, 2006), 83–130 (Hebrew).

2. For a glimpse of the state of the field with regard to these questions, see "What Is Bavli: A Forum," on the Talmud Blog, https://thetalmudblog.wordpress.com/2015/03/16/what-is-bavli-a-forum/, last accessed June 16, 2016.

3. While the term "posthumanism" accommodates considerable diversity, for most theorists the "post" modifies "humanism," not "human," and the critique is focused on a particular tradition of humanistic thought. For a critically engaged orientation to the range of posthumanistic theory, see Cary Wolfe, *What Is Posthumanism?* (Minneapolis: University of Minnesota Press, 2010). See also Pamela Fraiman's critique that Wolfe gives short shrift to the pioneering work done by ecofeminists in decentering the human in "Pussy Panic versus Liking Animals: Tracking Gender in Animal Studies," *Critical Inquiry* 39 (Autumn 2012): 89–115.

4. Ishay Rosen-Zvi and Adi Ophir, "*Goy*: Toward a Genealogy," *Dine Israel* 29 (2011): 69–122.

5. Ibid., 82. See also David M. Miller, "The Meaning of 'Ioudaios' and Its Relationship to Other Group Labels in Ancient Judaism," *Currents in Biblical Research* 9 (2010): 98–126.

6. For a salient example of this new discourse, see Sifre Num. 158, which refers to גויות גוים, "the Gentileness of the Gentiles." As Rosen-Zvi and Ophir point out, the tautology essentializes the otherness of non-Jews; "*Goy*," 83. For a longer discussion see Vered Noam, "'You Shall Pass Through Fire'

(Numbers 31:23): An Early Exegetic Tradition," *Shnaton: An Annual for Biblical and Ancient Near Eastern Studies* 19 (2009): 136 (Hebrew).

7. The standard Vilna print refers to the Romm Press edition of the Talmud, first published in Vilna in the late nineteenth century, and now considered the gold standard for students and scholars alike.

8. For an overview of these events and other developments in thirteenth-century Christendom, see Robert Chazan, "Christian Condemnation, Censorship, and Exploitation of the Talmud," in *Printing the Talmud: From Bomberg to Schottenstein,* ed. Sharon Lieberman Mintz and Gabriel M. Goldstein (New York: Yeshiva University Press, 2005), 53–59. For more on Donin's charges and the proceedings that followed, see Judah M. Rosenthal, "The Talmud on Trial: The Disputation at Paris in the Year 1240," *Jewish Quarterly Review* 47.1 (July 1956): 58–76, 47.2 (October 1956): 145–69.

9. Amnon Raz-Krakotzkin, *The Censor, the Editor, and the Text: The Catholic Church and the Shaping of the Jewish Canon in the Sixteenth Century,* trans. Jackie Feldman (Philadelphia: University of Pennsylvania Press, 2007), 32–38.

10. For a study of Christian Hebraism during the Renaissance and Reformation, see Stephen G. Burnett, *Christian Hebraism in the Reformation Era (1500–1660): Authors, Books, and the Transmission of Jewish Learning* (Leiden: Brill, 2012).

11. Ibid., 16–25.

12. Ibid., 22–23.

13. Marvin J. Heller, "Earliest Printings of the Talmud," in Mintz and Goldstein, *Printing the Talmud*, 61–78.

14. Raz-Krakotzkin, *The Censor, the Editor, and the Text*, 32–38.

15. Ibid., 36–37.

16. Ibid., 61.

17. Marvin J. Heller, *Printing the Talmud: A History of the Earliest Printed Editions of the Talmud* (Brooklyn: Hasefer, 1992), 241–65.

18. Raz-Krakotzkin, *The Censor, the Editor, and the Text*, 136–40.

19. Ibid., viii.

20. This change wrought by censorship is anticipated in the commentaries of Rabbi Menaḥem Ha-Me'iri of Provencal (1249–1315). According to the interpretations of the Me'iri, the Talmud's laws governing non-Jews refer to the idol-worshipping Gentiles of antiquity, but not to the monotheists of his own day who are "hedged in by the ways of the religions." See especially Rabbi Menaḥem Ha-Me'iri, *Beyt Ha-Beḥira ʿal Masekhet Bava Kama,* ed. and annotated by Kalman Schlesinger (Jerusalem, 1963), 330. For analysis of the Me'iri's distinctive approach, see Jacob Katz, *Exclusiveness and Tolerance: Studies in Jewish-Gentile Relations in Medieval and Modern Times* (Oxford: Oxford University Press, 1961), 114–28; and Moshe Halbertal, *Between Torah and Wisdom: Rabbi Menachem ha-Me'iri and the Maimonidean Halakhists in Provence* (Jerusalem: Magnes Press, 2000), 80–108 (Hebrew).

21. B. Kidushin 31a, ms. Vatican 111; my translation.

22. Scholars debate whether and to what extent the talmudic editors distanced themselves from their predecessors, and whether they

employed such devices as irony, parody, and critique. Holger Zellentin makes a persuasive case for parody in the Talmud in *Rabbinic Parodies of Jewish and Christian Literature* (Tübingen: Mohr Siebeck, 2011). Moulie Vidas offers a powerful argument for the editors' self-consciousness in distancing themselves from earlier rabbis in *Tradition and the Formation of the Talmud* (Princeton, NJ: Princeton University Press, 2014).

23. The challenge of establishing the talmudic text is a major concern within talmudic scholarship because there is significant variation among manuscript traditions, and they are all separated from the period of the talmudic editors by many years. Medieval commentaries on the Talmud preserve variants as well. Variation among all these witnesses suggests that there were alternative versions of the Talmud that were transmitted in different communities. The manuscript I rely on, ms. JTS Rab. 15, dates from the year 1290 and preserves the text of AZ in its entirety. A facsimile was published with an introduction that describes its provenance and character by Shraga Abramson, *Tractate 'Abodah Zarah of the Babylonian Talmud: Ms. Jewish Theological Seminary of America* (New York: Jewish Theological Seminary of America, 1957). In recent years, Shamma Friedman has proposed that there are four different families of manuscripts and has identified distinctive linguistic and orthographic features that indicate proximity to an original Bavli text. For a summary of this research see Friedman, "Kitvei ha-yad shel ha-talmud ha-bavli—tipologia shel ktiv," in his *Talmudic Studies: Investigating the Sugya, Variant Readings and Aggada* (New York: Jewish Theological Seminary of America, 2010), 317–39. Applying these insights to ms. JTS Rab. 15, Friedman discovered that this manuscript is in fact based on two distinct traditions—the second half of the manuscript reflects an ancient tradition, while the first half is based on a later witness. See Friedman, "Masekhet Avoda Zara, ktav-yad nu-york—ktav-yad she-huʿatak bishnei shelavim," and "Kvutzoteihem shel kitvei-ha-yad min ha-talmud ha-bavli ʿal pi ketiv ve-lashon," both in *Talmudic Studies,* 313–16 and 340–41, respectively. In the absence of a critical edition of AZ, I have nonetheless opted to base my translations and analyses on ms. JTS Rab. 15, a source that is readily available to readers. In my judgment, there are no variations between this manuscript and other witnesses that affect the substance of my arguments.

24. See Michael Meyer, *Response to Modernity: A History of the Reform Movement in Judaism* (Detroit: Wayne State University Press, 1988), esp. 75–99.

25. Barry Scott Wimpfheimer identifies this point of continuity between traditional and critical talmudic studies in *Narrating the Law: A Poetics of Talmudic Legal Stories* (Philadelphia: University of Pennsylvania Press, 2011), 9–13 and 31–37.

26. Shamma Friedman, "Perek ha-isha rabba ba-bavli [A Critical Study of Yevamot 10 with a Methodological Introduction]," in *Mehkarim u-mesorot,* ed. H. Dimitrovski (New York: Jewish Theological Seminary, 1977), 277–441.

27. David Weiss Halivni, *The Formation of the Babylonian Talmud*, introduced, trans., and annotated by Jeffrey L. Rubenstein (New York: Oxford University Press, 2013).

28. Yonah Fraenkel's magnum opus is *Darkhey ha-ʾagada ve-ha-midrash* (Jerusalem: Yad Ha-Talmud, 1991).

29. Jeffrey L. Rubenstein, *Talmudic Stories: Narrative Art, Composition, and Culture* (Baltimore: Johns Hopkins University Press, 1999), 10–15; Wimpfheimer, *Narrating the Law*, 38–40; Moshe Simon-Shoshan, *Stories of the Law: Narrative Discourse and the Construction of Authority in the Mishnah* (Oxford: Oxford University Press, 2012), 6–8.

30. Rubenstein, *Talmudic Stories*; and Jeffrey L. Rubenstein, *Stories of the Babylonian Talmud* (Baltimore: Johns Hopkins University Press, 2010).

31. See especially David Kraemer, *Reading the Rabbis: The Talmud as Literature* (Oxford: Oxford University Press, 1996); and Aryeh Cohen, *Rereading Talmud: Gender, Law, and the Poetics of Sugyot* (Atlanta: Scholars Press, 1998). An important precursor to these studies is Avraham Weiss's investigations of the structure of the sugya, though Weiss is not a literary reader. See, for example, his *Ha-bavli be-hithavut ha-sifrutit*, vol. 2 (Warsaw, 1939).

32. Daniel Boyarin initiated the pursuit of cultural studies in talmudic scholarship with *Carnal Israel: Reading Sex in Talmudic Culture* (Berkeley: University of California Press, 1993). His approach to the interactions between text and culture have been refined and elaborated in such works as *Border Lines: The Partition of Judeao-Christianity* (Philadelphia: University of Pennsylvania, 2004), and *Socrates and the Fat Rabbis* (Chicago: University of Chicago Press, 2009). Other important scholars whose work brings rabbinic literature within the orbit of cultural studies include Galit Hasan-Rokem, Charlotte Fonrobert, and Joshua Levinson.

33. A foremost example of this interdisciplinarity is Vidas, *Tradition and the Formation of the Talmud*. Vidas applies the methods of close reading and literary analysis to attend to the rhetoric of the Bavli, opening a new angle on scholarly understanding of the Talmud's redaction. He demonstrates continuities between the editorial activity and attitudes that shaped the Bavli and the religious sensibilities of the surrounding Zoroastrian culture.

34. Jonathan K. Crane decries this tendency in the field of Jewish bioethics, for example, identifying a "kind of selective reading or essentializing" of rabbinic narrative as "a norm in the field." See his *Narratives and Jewish Bioethics* (New York: Palgrave Macmillan, 2013), 30. His investigation of how one story from b. AZ 18a, the story of R. Ḥanina's martyrdom, has been read (and misread) in the field of Jewish ethics offers a bracing corrective.

35. This is the project Zvi Septimus takes on in "The Poetic Superstructure of the Babylonian Talmud and the Reader It Fashions" (PhD diss., University of California, Berkeley, 2011).

36. I am not the first to use the tractate as a unit of analysis. An important model for me is Julia Watts Belser's study of Bavli Taʻanit, *Power, Ethics, and Ecology in Late Antiquity: Rabbinic Responses to Drought and Disaster* (Cambridge: Cambridge University Press, 2015).

37. Richard Kalmin offers this succinct review of the debate in his critique of scholars such as Jeffrey L. Rubenstein and Daniel Boyarin: "I will argue that some scholars have overestimated the work of later Talmudic editors in homogenizing earlier narrative chains and producing coherent discourses with a consistent message and authorial voice. Certainly later editorial activity needs to be taken into account, but the contribution of earlier generations sometimes remain visible to a degree that these scholars have underestimated. This insight sometimes leads to conclusions that differ dramatically from those of other scholars, since the degree to which we read a text as the product of an active author or editor molding earlier traditions in accordance with a preconceived design, as opposed to viewing it as an anthology subjected to relatively minimal editorial intervention, will have a significant impact on its interpretation." Kalmin, *Migrating Tales: The Talmud's Narrative and Their Historical Context* (Berkeley: University of California Press, 2014), 15.

38. For a synthesis of Neusner's prodigious writings on the Bavli, see Jacob Neusner, *The Reader's Guide to the Talmud* (Leiden: Brill, 2001). He offers a forceful argument for the cogency of the Talmud, which he characterizes as a systematic, well-crafted composition.

39. See Friedman, "Perek ha-isha rabba ba-bavli," and Friedman, "Habaraitot ba-talmud ha-bavli ve-yahasan le-makbiloteihen she-ba-tosefta," in *Atara L'Haim: Studies in the Talmud and Medieval Rabbinic Literature in Honor of Professor Haim Zalman Dimitrovsky,* ed. Daniel Boyarin et al. (Jerusalem: Magnes Press, 2000), 163–201. For an alternative view that emphasizes how the belated anonymous editors emphasize the cultural distance that separates them from the named tradents, see Vidas, *Tradition and the Formation of the Talmud.*

40. Kalmin, *Migrating Tales.*

41. It is important to distinguish between coherence, which functions at the macro-level, and homogenization of discrete traditions. Daniel Boyarin finds a helpful model for coherence in the absence of homogenization in his explorations of Bakhtin's dialogism. For Boyarin, the Talmud's dialogism means that the Talmud preserves different languages, registers, and worldviews. See Chapter 1 of the present book, and Boyarin, *Socrates and the Fat Rabbis.*

42. Jeffrey Rubenstein, "Criteria of Stammaitic Intervention in Aggada," in *Creation and Composition: The Contribution of the Bavli Redactors to the Aggada,* ed. Jeffrey Rubenstein (Tübingen: Mohr Siebeck, 2005), 417–40. It should be noted that Richard Kalmin challenges Rubenstein on precisely this point, arguing that the prosaic and commentarial character of the Stam's interventions in halakhic materials do not bespeak the requisite creativity or imagination to invent gripping stories. Richard Kalmin, "The Formation and Character of the Babylonian Talmud," in *The Cambridge History of Judaism,* vol. 4, *The Late Roman-Rabbinic Period,* ed. Steven T. Katz (Cambridge: Cambridge University Press, 2006), 845. Barry Wimpfheimer directly addresses Richard Kalmin's critique in *Narrating the Law,* 148–60, as does Boyarin in *Socrates and the Fat Rabbis,* 194–95.

43. Boyarin, *Socrates and the Fat Rabbis*, 201–6.

44. Vidas, *Tradition and the Formation of the Talmud*.

45. Their work in turn builds on Yaakov Zussman's analysis of the Palestinian Talmud, "*Ve-shuv le-yerushalmi nezikin*," in *Mehkere Talmud I,* ed. Yaakov Zussman and David Rosenthal (Jerusalem: Magnes Press, 1990), 55–133.

46. Christine Elizabeth Hayes, *Between the Babylonian and Palestinian Talmuds: Accounting for Halakhic Difference in Selected Sugyot from Tractate Avodah Zarah* (New York: Oxford University Press, 1997).

47. Alyssa M. Gray, *A Talmud in Exile: The Influence of Yerushalmi Avodah Zara on the Formation of Bavli Avodah Zara* (Providence: Brown Judaic Studies, 2005).

48. Ibid., 34–37.

49. A second strategy for discerning the Bavli's distinctive voice is to examine the ways in which the Bavli reworks and revises Palestinian materials. For examples of this strategy, see Jeffrey L. Rubenstein, *The Culture of the Babylonian Talmud* (Baltimore: Johns Hopkins University Press, 2003), and, more recently, Shai Secunda, *The Iranian Talmud* (Philadelphia: University of Pennsylvania Press, 2014).

50. M. AZ 2:1 appears on b. AZ 22a. For further discussion of this text, see Chapter 2, below.

51. By the time the Mishna was edited, there was no Jewish Temple standing, but tannaitic works nonetheless include extensive discussion of Temple laws, perhaps as a theoretical pursuit or perhaps in anticipation of a restored cult.

52. My translation of b. AZ 23b–24a.

53. Julia Watts Belser, *Power, Ethics and Ecology in Jewish Late Antiquity* (Cambridge: Cambridge University Press, 2015), 19.

54. For a different take on what it means to get outside the talmudic text, and whether such a position is even possible, see Sergei Dolgopolski, *The Open Past: Subjectivity and Remembering in the Talmud* (New York: Fordham University Press, 2013).

55. For an account of how the idea emerges from a fusion of Platonic notions of divine plenitude with the twin principles of diversity and continuity in Aristotle's classifications of the natural world, see Arthur O. Lovejoy, *The Great Chain of Being: A Study of the History of an Idea* (Cambridge, MA: Harvard University Press, 1948), 24–66. Lovejoy recounts how this trope winds through Western thought and literature, and how the idea overtakes both popular and intellectual culture in the eighteenth century, especially prevalent in poetry (183–207). In Alexander Pope's "An Essay on Man: Epistle I," the work that provides the epigraph for this chapter, Pope questions whether a human being is equal to the task of perceiving the cosmic chain of being and then proceeds to describe it like this:

> See, through this air, this ocean, and this earth,
> All matter quick, and bursting into birth.
> Above, how high, progressive life may go!
> Around, how wide! how deep extend below!

Vast chain of being, which from God began,
Natures ethereal, human, angel, man,
Beast, bird, fish, insect! what no eye can see,
No glass can reach! from infinite to thee,
From thee to nothing!—On superior pow'rs
Were we to press, inferior might on ours:
Or in the full creation leave a void,
Where, one step broken, the great scale's destroy'd:
From nature's chain whatever link you strike,
Tenth or ten thousandth, breaks the chain alike.

CHAPTER 1

The epigraph to this chapter is from Mikhail Bakhtin, "Slovo v Roman," as cited in Daniel Boyarin, *Intertextuality and the Reading of Midrash* (Bloomington: Indiana University Press, 1990), 23.

1. The topic that receives the most attention by far within both the Mishna and the Bavli is the prohibition on Gentile wine, a legal conundrum that the Mishna itself intimates is rooted in a concern about social relationships, rather than with idolatry per se. See my Chapter 3 below.

2. To a certain degree, tensions between the storytelling in the Bavli and the rules set out by the Mishna inhere in the different genres of narrative and law. For some narratologists, it is precisely the rule-breaking, exceptional aspect of stories that makes them worth telling. William Labov used the term "tellability" in describing stories' tendencies to focus on a breach of norms. For a succinct review of Labov's contribution, see Jerome Bruner, "The Narrative Construction of Reality," *Critical Inquiry* 18 (Autumn 1991): 1–21. The past half-century has seen a rich flowering of theoretical work on narrative and its interactions with law, ethics, and philosophy. In the field of law, Robert Cover is widely credited for initiating the turn toward narrative. See Robert Cover, "Nomos and Narrative," in *Narrative, Violence, and the Law: The Essays of Robert Cover*, ed. Martha Minow, Michael Ryan, and Austin Sarat (Ann Arbor: University of Michigan Press, 1992), 95–172. In the field of rabbinics, Barry Wimpfheimer has drawn on this scholarship in demonstrating the complex ways that law and storytelling interact in the Bavli. See Barry Wimpfheimer, *Narrating the Law* (Philadelphia: University of Pennsylvania Press, 2011). The storytelling in AZ does not uniformly uphold rules or oppose them, but rather probes and explores possibilities for human relationship and experience in ways that narrative discourse is distinctively qualified to do.

3. See the description of the "Global Bavli Reader" in Zvi Septimus, "The Poetic Superstructure of the Babylonian Talmud and the Reader It Fashions" (PhD diss., University of California, Berkeley, 2011), 21–28.

4. The classic example of an "opening sugya" is Kidushin 2b–3a, identified by Sherira Gaon as an addition to the Bavli made by the Saboraim, generations of rabbis who immediately succeed the completion of the Talmud. Modern scholar Avraham Weiss proposed a list of such "opening sugyot,"

which, like Kidushin 2b–3a, concentrate on extra-legal concerns and come at the beginnings of tractates or chapters. See Avraham Weiss, *Ha-Yetzira shel ha-Sabora'im* (*Ḥelkam bi-Yetzirat ha-Talmud*) (Jerusalem: Magnes Press, 1953), 1–18. Yaakov Elman builds on Weiss's theory, and expands the list of opening sugyot in Elman, "The World of the 'Sabboraim': Cultural Aspects of Post-Redactional Additions in the Bavli," in *Creation and Composition*, ed. Jeffrey L. Rubenstein (Tübingen: Mohr Siebeck, 2005), 383–415. Jeffrey Rubenstein suggests that AZ's opening should be classified as an "opening sugya" in *Talmudic Stories* (Baltimore: Johns Hopkins University Press, 1999), 212–42. His interest is not so much in the dating or authorship of the sugya but in its literary qualities. Charlotte Fonrobert made a similar proposal for a literary reading of opening sugyot in an unpublished paper presented at the University of California, Berkeley, in February 2012.

5. The homiletical narrative does not actually open the tractate; it is preceded by a short dialectical exchange in which Rav and Shmu'el debate whether the Hebrew word for "their feasts" is spelled with an *'aleph* (אידיהם), and derives from the word for "disaster," or is spelled with an *'ayin* (עידיהם) and derives from the word for "testimony." As Rubenstein demonstrates, this exchange and the succeeding narrative have been artfully linked and integrated through the repeated citation and interpretation of Isaiah 43:9. It is for this reason that I follow Rubenstein in treating the extended passage, including the narrative, as an "opening sugya."

6. Rubenstein's expert translation of this whole sugya does the work of separating out the narrative and non-narrative portions by banishing the non-narrative comments to footnotes; see his *Talmudic Stories*, 215–19. He reviews earlier scholarly efforts to distinguish between the sugya's narrative core and non-narrative additions in 380 n.2.

7. Ibid., 221–23.

8. Ibid., 212.

9. Ibid., 220.

10. Ibid., 219.

11. Ibid., 238.

12. Ibid., 239.

13. Ibid., 239.

14. B. AZ 3a. I have extended the scriptural citation to provide greater clarity. A parallel to this extended exchange appears on b. Sanhedrin 59a. For examination of the origins of this tradition in halakhic midrash, see Marc Hirshman,"*Torah le-khol ba'ey ha-'olam": zerem 'universali be-sifrut ha-tana'im ve-yaḥaso le-ḥokhmat ha-'amim* (Tel Aviv: Ha-Kibutz hame'uchad, 1999).

15. B. AZ 3a.

16. B. AZ 3a: והאמרת אין הקב"ה בא בטרוניא עם בריותיו

My translation of the phrase is indebted to Rubenstein's rendering, in *Talmudic Stories,* 218.

17. Daniel Boyarin presents collisions of the serious and the comic as a distinguishing feature of the Bavli in *Socrates and the Fat Rabbis* (Chicago: University of Chicago Press, 2009). It is his characterization of these two

voices or modes that shades my reading of two voices within this story. To be sure, the comedic voice here falls far short of the grotesque, ribald depictions of rabbinic corpulence in which Boyarin delights. But stay tuned for farts later in this chapter.

18. Boyarin, *Socrates and the Fat Rabbis,* 19–32.

19. B. AZ 2a, ms. JTS Rab. 15. Unlike the standard print edition, the manuscript presents the entire first chapter of the mishnaic tractate before the talmudic discussion. My translation is based on the translation and interpretation by Peter Schäfer, who identifies the Greek and Latin names for the festivals, and provides brief explanations for their timing and observance in the Roman world. See Peter Schäfer, "Jews and Gentiles in Yerushalmi Avodah Zarah," in *The Talmud Yerushalmi and Graeco-Roman Culture III,* ed. Peter Schäfer (Tübingen: Mohr Siebeck, 2002), 339nn.10–11.

20. B. AZ 8a. My translation reflects the main text of the manuscript (ms. JTS Rab. 15) rather than the emendations that are inscribed in the margins. The only meaningful difference reflected in these marginal notes is the insertion of the word "death" [מיתה], which would render the line as "and this is the death penalty imposed by heaven," a more specific allusion to the consequences of transgression described in Genesis 2:17. The addition of this word in the marginal note might reflect the influence of other manuscript traditions, as it corresponds to the language of ms. Paris 1337, of the Pesaro Print, and the Vilna edition. Alternatively, it might reflect the language of a similarly structured story that appears several lines below on the same page; in this story, Adam interprets nightfall on the day of his creation as a sign of impending death.

21. Alyssa M. Gray, *A Talmud in Exile: The Influence of Yerushalmi Avodah Zara on the Formation of Bavli Avodah Zara* (Providence: Brown Judaic Studies, 2005), 43–50 and 101–6.

22. Y. AZ 1:2; 39c, Leiden manuscript. This translation and the decoding of the bilingual Latin/Greek *notarikon* reflects the translation and interpretation of Peter Schäfer in "Jews and Gentiles in Yerushalmi Avodah Zarah," 339. As Schäfer notes, Jacob Neusner provides a different interpretation of the etymology, reading *dio* (דיאו) as the Greek *dios* or the Latin *deus,* so that Adam's exclamation means not "How beautiful is the day!" but "Praise be to God!" I agree with Schäfer that the translation above fits better within the context of the story. Neusner's interpretation does resonate well, however, with the version of the story we find in the Bavli. It is possible that just such a reading (Praise be to God!) generated the very changes in the story as it appears in the Bavli. That is, the Bavli's version can be read as an interpretation of the Yerushalmi story that emphasizes the reverence of Adam's response.

23. In the Palestinian Talmud, it is not just Scripture that is interpreted. Deriving a creative etymology for "*Calends*" from a bilingual wordplay, the interpreter applies midrashic hermeneutics to a Latin term.

24. If I am right, this would conform to a general trend that Joshua Levinson has discovered in comparing narrative materials from Palestinian and Babylonian rabbinic sources. See Joshua Levinson, "The Cultural Dignity

of Narrative," in Rubenstein, *Creation and Composition*, 361–81. Levinson summarizes his findings in terms of "two separate but related phenomena: the gradual detachment of the story from its exegetical base, and the growing dominance of the narrative dimension" (379).

25. Talmudic scholars Daniel Boyarin and Barry Wimpfheimer both draw on Bakhtin's account of dialogism to describe the discourse of the Bavli, though they apply the concept in slightly different ways. Wimpfheimer characterizes the voice of the talmudic editors as monologic in its drive toward resolving differences. He recommends reading past or through the interventions of the editors so as to recover the multiplicity and contradictions that the editors seek to harmonize and homogenize. See Wimpfheimer, *Narrating the Law*, 13–24. Boyarin discusses Wimpfheimer's approach and elucidates their disagreements, in *Socrates and the Fat Rabbis*, 161–74. For Boyarin, the dialogic describes how the editors admit multiple voices in multiple registers, juxtaposing voices and languages and styles and attitudes. My own approach is closer to Boyarin in that I locate the Bavli's dialogism in the finished, edited work.

26. Bakhtin's life brought him within the orbit of great centers of Jewish learning—he spent a good part of his childhood in Vilnius, the capital of talmudic studies—but I know of no evidence that he ever interacted with talmudic scholars or examined a rabbinic text.

27. Boyarin first looked to Bakhtin in *Intertextuality and the Reading of Midrash*, and Bakhtin's thought animates Boyarin's *Socrates and the Fat Rabbis* throughout.

28. M. M. Bakhtin, "Discourse in the Novel," in *The Dialogic Imagination*, ed. Michael Holquist (Austin: University of Texas Press, 1981), 259–422, esp. 270–93.

29. Ibid., 276.

30. Thus, Graham Allen: "It is as viable to cite the Russian literary theorist M. M. Bakhtin as the originator, if not of the term 'intertextuality', then at least of the specific view of language which helped others articulate theories of intertextuality." In Allen, *Intertextuality: New Critical Idiom* (London: Routledge, 2000), 10.

31. Ibid.

32. Bakhtin, "Epic and Novel," in Holquist, *The Dialogic Imagination*, 13.

33. Ibid., 22–23.

34. For a discussion of the close relationship between laughter and the dialogic, see Boyarin, *Socrates and the Fat Rabbis,* 1–32.

35. Since we will be examining passages that are preserved in close proximity within a single tractate, "intertextual" might be a misnomer.

36. My teacher Chana Kronfeld taught me to understand intertextuality as the mutual, simultaneous interaction of two texts. See Chana Kronfeld, *On the Margins of Modernism: Decentering Literary Dynamics* (Berkeley: University of California Press, 1996), 114–42.

37. The line appears in the stories of Ketiʿa bar Shalom on AZ 10b, of ʾElʿazar ben Dordya on AZ 17a, and of Ḥanina ben Tradyon on AZ 18a.

38. For an account of what constitutes "evaluation" in narrative and how such statements relate why a story is worth telling, see William Labov and Joshua Waletzky, "Narrative Analysis: Oral Versions of Personal Experience," *Journal of Narrative and Life History* 7 (1997): 28–35.

39. Michal Bar-Asher Siegal argues that the line originates in Ben Dordya's story and was later appended to the other two stories. Her argument is based on her identification of a Christian monastic tradition as the source for the Ben Dordya story; the Christian story includes a closing line similar to the statement by Rabbi. I am not entirely persuaded by her recapitulation of how the tradition takes shape, in part because Rabbi's distinction between "one who acquires his world in a single hour" and "one who acquires his world over the course of years" accords so well with R. Ḥanina's story, in which two characters matching these respective designations are welcomed to the next world together. Also, while she presumes that the movement of the line is unidirectional, from the Christian source to the Jewish one, it seems plausible to me that similar traditions could have arisen in parallel in the two religious cultures. I engage her arguments further, below. See Michal Bar-Asher Siegal, *Early Christian Monastic Literature and the Babylonian Talmud* (Cambridge: Cambridge University Press, 2013), 193–97.

40. There is an extensive scholarly literature on what precisely minut signifies, and to what degree it refers to strains of Jewish-Christian religiosity in particular. See Daniel Boyarin's review of the literature and his reevaluation of the topic in *Border Lines: The Partition of Judaeo-Christianity* (Philadelphia: University of Pennsylvania Press, 2004), 54–58.

41. This story is treated by Richard Kalmin, who points out that the negative judgment of Torah study alone in the absence of acts of loving-kindness reflects the value system of the Palestinian sages, but not of the Babylonian ones. Kalmin demonstrates how the Babylonian redactors expand and revise that which confounds them in the original Palestinian source. See Kalmin, *Jewish Babylonia Between Persia and Roman Palestine* (Oxford: Oxford University Press, 2006), 23–26. Ra'anan S. Boustan effectively captures the theological principles at work in this and other rabbinic martyrdom accounts in describing what he calls "The Peccadillo Motif." He points out that "the puzzling gap between the insignificance of the sin committed and the enormity of its consequences is, in fact, a regular feature of rabbinic martyrology. . . . Within the martyrological genre, the more punctilious one's behavior, the more disastrous every sin proves to be." In Boustan, *From Martyr to Mystic* (Tübingen: Mohr Siebeck, 2005), 65.

42. B. AZ 18a. The words in parentheses appear in ms. JTS Rab. 15 as marginal notes, written in a different scribal hand than the main text. Note that the marginal note clarifies that it is the Torah scroll in which the rabbi is wrapped. Other witnesses (mss. Munich 95; Paris 1337; Jerusalem-Schocken 3654; Pesaro print; Vilna print) similarly have him wrapped in the scroll: כרכוהו בספר תורה. Even without the marginal addition, it is clear from the action of the story that the Torah scroll and the rabbi are being burned together.

43. In Avot de-Rabbi Natan, Version A, chap. 31, God holds a Torah scroll in his lap for the many years preceding the world's creation. The

motif of a *person* holding the scroll in his lap while expounding appears in our story of R. Ḥanina on AZ 18a, and also in the story of Rabbi ʿAkiva's martyrdom in b. Brakhot 61b. A similar motif can be found in relation to the heretical Rabbi ʾElishaʿ ben ʾAbuya, also known as ʾAḥer, on b. Ḥagiga 15b: "They used to say about ʾAḥer that when he would rise from the Beit Midrash, many heretical books would fall from his lap." The phrase "taking a Torah scroll and holding it in his lap" also occurs in m. Yoma 7:1, as part of an account of the High Priest's ceremonies on Yom Kippur, and in a parallel mishna, in m. Sota 7:7.

44. B. AZ 2a:

לעתיד לבא יביא הקב"ה ספר תורה ויניחה בחיקו ואמ' כל מי שיעסוק בה יבא ויטול שכרה

45. See Rubenstein's discussion and bibliographic references in *Talmudic Stories*, 381n.4 and 385n.46. As Rubenstein notes, Asher Hilvitz dates the sugya to the Geonic period in "Le-harkava shel drashat ha-ʾagada be-reish masekhet ʿavoda zara," *Sinai* 80 (1977): 125–27.

46. Ketiʿa's Roman identity is implied both by his station as an advisor to the emperor and by his uncircumcised state. His Hebrew name is an unrealistic detail that announces the story's central themes: violence (*ketiʿa* means "cut") and redemption (*shalom* means "peace").

47. Ms. JTS Rab. 15 reads נימא which Rashi glosses as "dead flesh that is painful." Though the word commonly means "hair" or "bristle," "sore" seems best within this context. In Genesis Rabbah 46:11 (Theodor-Albeck 467), the midrash compares a foreskin to a sore, or נומי hanging from the body. Marcus Jastrow derives נומי from the Greek νομή meaning "ulcer." See Jastrow, *A Dictionary of the Targumim, the Talmud Babli and Yerushalmi and the Midrashic Literature* (New York: Title Publishing Co., 1943), 888.

48. Ms. JTS Rab. 15 includes an extensive marginal note that is largely illegible but likely corresponds to the following passage, which appears in Paris 1337 and in the Vilna print at this point in the story: "For it is written, 'For I have dispersed you like the four winds of the heaven' (Zech. 2:10). What does this mean? If it meant that they were scattered to the four corners of the world, then instead of saying, *like* the four winds, the verse would have had to say, *to* the four winds! Rather, it means that just as the world cannot be without winds, so the world cannot be without Israel." This material is absent from ms. Munich 95.

49. A marginal note in ms. JTS Rab. 15 here inserts, "He took the knife and cut his foreskin, and there are some who say."

50. A marginal note in ms. JTS Rab. 15 here adds "with his teeth." This corresponds to the wording in Paris 1337. With these insertions, ms. JTS Rab. 15 reads just like Munich 95: "He took a knife and cut his foreskin. There are those who say: he bent his head over his foreskin and cut it with his teeth."

51. B. AZ 10b.

52. For a related discussion of names in rabbinic literature, see Shamma Friedman's examination of the confluence between the names of rabbis and the content of the statements that are attributed to them: "*Nomen est Omen*—Dicta of the Talmudic Sages Which Echo the Author's Name" (Hebrew), in *These Are the*

Names: Studies in Jewish Onomastics, vol. 2, ed. Aaron Demsky (Ramat Gan: Bar Ilan University Press, 1999), Hebrew section, 51–78.

53. Daniel Boyarin,"Homotopia: The Feminized Jewish Man and the Lives of Women in Late Antiquity," *differences: A Journal of Feminist Cultural Studies* 7.2 (Summer 1995): 41–81; Alyssa Gray, "The Power Conferred by Distance from Power: Redaction and Meaning in b. A.Z. 10a–11a," in Rubenstein, *Creation and Composition*, 23–69. Their two readings are quite different. Boyarin offers a gender analysis and examines the ways the stories construct Jewish masculinity. Gray reads the extended literary unit as an exploration of the moral danger of proximity to power, and argues that the Bavli takes a negative view of Rabbi for cozying up to the murderous ʾAntoninus. In her reading, Ketiʿa is held up as an exemplar because he distances himself from the brutality of the ruling government.

54. Mikhail Bakhtin, *Rabelais and His World,* trans. Helen Iswolsky (Bloomington: Indiana University Press, 1984), 21.

55. Gray, "The Power Conferred," 58. See also Shaye J. D. Cohen, "The Conversion of Antoninus," in *The Talmud Yerushalmi in Graeco-Roman Culture I*, ed. Peter Schäfer (Tübingen: J. C. B. Mohr, 1998), 141–71, esp. 167. The question of the status of prospective male converts who have undergone circumcision but have not immersed is explicitly addressed on b. AZ 59a, and is discussed below in Chapter 5. For a more general discussion of the rabbinic conception of conversion and of the development of the halakha, see Avi Sagi and Zvi Zohar, *Transforming Identity: The Ritual Transition from Gentile to Jew—Structure and Meaning* (London: Continuum, 2007); for a discussion of the significance of circumcision, see 116–31, esp. 117–19.

56. Boyarin, "Homotopia," 50–51.

57. Compare this reading to Sagi and Zohar's proposal that there are two paradigms for conversion in the halakhic literature: 1. A "normative, cognitive" model, through which one gains membership into a society defined by normative praxis; and 2. A model that emphasizes bodily ritual as the means for entering a kinship group defined by birth. See Sagi and Zohar, *Transforming Identity*, 267–96. There is a sense in which Ketiʿa's circumcision and martyrdom push the second paradigm to the utmost, as he enacts a bodily identification with the Jews so extreme as to destroy the body itself.

58. Throughout this translation, the parentheses indicate notes that appear in the margins of ms. JTS Rab. 15 in a different hand. In this manuscript, the hero of the story is called "Ben Dardoya," but a marginal note offers the alternative spelling "Dordya." Because the name appears as "Dordya" in other manuscripts and in the print editions, all the secondary literature refers to him as "Dordya," and thus so do I.

59. A marginal note in ms. JTS Rab. 15 is the only witness to the appearance of a bat kol at this point in the story. In the main text of the manuscript, the identity of the speaker of this line is ambiguous because the abbreviated אמ׳ could be read as either "she said" or "he said." Munich 95, early prints, and the Vilna print all render the prostitute the speaker. For further discussion of this issue, see Siegal, *Early Christian Monastic Literature and the Babylonian Talmud*, 170n.3.

60. This line is missing in the main text of ms. JTS Rab. 15 but appears in a marginal note. Though the marginal note is barely legible, I have relied on the Munich and Paris manuscripts to reconstruct the passage.

61. This line appears in a marginal note in ms. JTS Rab. 15. It appears in Paris 1337 but not in Munich 95.

62. AZ 17a.

63. See AZ 34a, where the term appears.

64. Siegal, *Early Christian Monastic Literature and the Babylonian Talmud*, 177.

65. Ibid.

66. Ibid., 180.

67. Ibid., 181–83. Siegal acknowledges that there are significant differences between the stories as well. For example, there is no parallel to Ben Dordya's conversations with mountains and hills and all the other elements in Paesia's story. In the Christian story, the penitent is a harlot, while the rabbinic story focuses on a man seeking sexual favors. While Paesia's penitence is sparked by John the Dwarf, in the Ben Dordya story, there is no religious authority encouraging repentance.

68. Naomi Seidman, *Faithful Renderings: Jewish Christian Difference and the Politics of Translation* (Chicago: University of Chicago Press, 2006), 112.

69. Ibid., 113. As Seidman explains, at the crux of this translation issue are the two communities' divergent readings of Genesis 1:2. For Christians, the presence of God's ruaḥ at the moment of creation provides a scriptural foundation for the belief that the Holy Spirit participated in creation.

70. As Seidman points out, Rabelais makes this association explicit in his account of Pantagruel's visit to the Isle of Ruach, where all the inhabitants are afflicted by flatulence. See ibid., 114.

71. Ibid., 113.

72. Holger Zellentin, *Rabbinic Parodies of Jewish and Christian Literature* (Tübingen: Mohr Siebeck, 2011), esp. 137–66 and 233–36.

73. Thanks to Shira Stav for pointing this out to me.

74. Bakhtin, *Rabelais and His World,* 21.

75. An additional link between the stories of Ketiʿa and Ben Dordya comes into prominence if one considers the version of Ketiʿa's story preserved in the printed versions of AZ, in ms. Paris and in a marginal note in ms. JTS Rab. 15. See note 48 above. In this version of Ketiʿa's story, Ketiʿa compares Israel to life-giving winds. The prominence of the ruaḥ theme invites comparison with Ben Dordya's experience with wind of a different kind.

76. Bakhtin observes that when it comes to depictions of the grotesque body, "next to the bowels and the genital organs is the mouth, through which enters the world to be swallowed up." *Rabelais,* 317.

77. See Boyarin, *Carnal Israel: Reading Sex in Talmudic Culture* (Berkeley: University of California Press, 1993), 31–57.

78. Various theorists refer to binaries in different ways. In what follows, I use the language of dichotomies, binaries, and dualities interchangeably. Piet F. M. Fontaine distinguishes between "duality" and "dualism," reserving

the latter term for binary distinctions in which the two elements are conceived as polarities, utterly disconnected and opposed to each other in a way that cannot be resolved. As Fontaine notes, the term "dualism" originates in modern scholarship about Persian religion and remains closely associated with Zoroastrianism, a religious culture very close to that of the rabbis of Sasanian Babylonia. Given this association, I try to avoid the term "dualism" altogether. See Fontaine, "What Is Dualism, and What Is It Not?" in *Light Against Darkness: Dualism in Ancient Mediterranean Religion and the Contemporary World*, ed. Armin Lange, Eric M. Meyers, Bennie H. Reynolds III, and Randall Styers (Göttingen: Vandehoeck & Ruprecht, 2011), 266–76.

79. Bruno Latour, *We Have Never Been Modern*, trans. Catherine Porter (Cambridge, MA: Harvard University Press, 1993), 10–15.

80. In his critiques of the linguistic turn that Jacques Derrida and other proponents of deconstruction provoke, Latour might be dubbed a post-postmodern. For a helpful elucidation of the contrasting ways that Derrida and Latour and their respective comrades address the problems with binaries, see Randall Styers, "Displacements and Proliferations: Moves Beyond Dualism in Contemporary Continental Thought," in Lange et al., *Light Against Darkness*, 324–47. Regrettably, Styers overlooks important interventions emerging from feminist thought. For a treatment of these issues from a feminist perspective, see Susan Hekman, *The Material of Knowledge: Feminist Disclosures* (Bloomington: Indiana University Press, 2010).

81. Jacques Derrida, *Positions*, trans. and annotated by Alan Bass (Chicago: University of Chicago Press, 1981), 41.

82. For poststructuralist feminists like Judith Butler, the issue is a bit more complicated, because the very category of "women" is destabilized though the deconstruction of binaries such as male/female, man/woman, and also sex/gender. See Butler, *Gender Trouble: Feminism and the Subversion of Identity,* 2nd ed. (New York: Routledge, 1999), 1–46.

83. Hekman, *The Material of Knowledge*, 2–3.

84. Latour, *We Have Never Been Modern*, 90.

85. Karen Barad, "Posthumanist Performativity: Toward an Understanding of How Matter Comes to Matter," in *Material Feminisms,* ed. Stacy Alaimo and Susan Hekman (Bloomington: Indiana University Press, 2008), 120. Barad's opening screed on that same page cleverly observes: "The linguistic turn, the semiotic turn, the interpretive turn: it seems that at every turn lately every "thing"—even materiality—is turned into a matter of language or some other form of cultural representation. . . . There is an important sense in which the only thing that does not seem to matter anymore is matter." Barad's barbed critique of Judith Butler (author of *Gender Matters*) reflects the centrality of debates over linguistic constructivism in feminist theory.

86. For an orientation to the contours of this new critical turn, see Diana Coole and Samantha Frost, "Introducing the New Materialisms," in *New Materialisms: Ontology, Agency, and Politics*, ed. Diana Coole and Samantha Frost (Durham, NC: Duke University Press, 2009), 1–43.

87. Hekman, *The Material of Knowledge*, 3.
88. B. AZ 18a.
89. Ibid.
90. For discussions of correspondences between rabbinic views on the body and rabbinic ideas about language and exegesis, see Boyarin, *Carnal Israel,* 231–35, and Seidman, *Faithful Renderings*, 80–86.

CHAPTER 2

The epigraph to this chapter is from Jacques Derrida, *The Animal That Therefore I Am,* ed. Marie-Louise Mallet, trans. David Wills (New York: Fordham University Press, 2008), 34.

1. There is a vast and growing number of works in critical animal studies. Derrida's lectures on animals, collected and translated in *The Animal That Therefore I Am,* are sometimes treated as foundational, but see Pamela Fraiman's argument that today's critical theorists give short shrift to the pioneering work done by Donna Haraway and other feminists: Fraiman, "Pussy Panic Versus Liking Animals: Tracking Gender in Animal Studies," *Critical Inquiry* 39 (Autumn 2012): 89–115. Haraway's early essays are collected in *Simians, Cyborgs, and Women: The Reinvention of Nature* (New York: Routledge, 1991). Other works that have influenced my thinking include Mel Y. Chen, *Animacies: Biopolitics, Racial Mattering, and Queer Affect* (Durham, NC: Duke University Press, 2012); Kelly Oliver, *Animal Lessons: How They Teach Us to Be Human* (New York: Columbia University Press, 2009); Carrie Rohman, *Stalking the Subject: Modernism and the Animal* (New York: Columbia University Press, 2009); and the essays collected in *Species Matters: Humane Advocacy and Cultural Theory*, ed. Marianne DeKoven and Michael Lundblad (New York: Columbia University Press, 2012).

2. The mishna is cited on b. AZ 22a, and is rendered like this in ms. JTS Rab. 15:

אין מעמידין בהמה בפונדקאות של גוים מפני שחשודין על הרביעה ולא תתיחד אשה עמהן מפני שחשודין על העריות ולא יתיחד אדם עמהן מפני שחשודין על שפיכות דמים

3. In the Bible, though both men and women are prohibited from having sex with animals, the root רבע is only used in reference to sex between women and male animals. See Lev. 18:20 and 20:15–16. In Lev. 19:19, however, it occurs once in the *hiphʿil* form, where it connotes the (human) act of breeding one species of animal with another. In the Mishna, the term is used exclusively for sex acts between humans and animals. A male animal that has sex with a female human is designated a *roveʿa* (רובע), while an animal that has been sexually penetrated by a male human is a *nirvaʿ* (נרבע). See m. Sanhedrin 1:4, m. Zevaḥim 9:3, m. Zevaḥim 14:2, and m. Temurot 6:1. In b. Yevamot 28a, a tradition attributed to Rav Yosef uses the word to refer to sex between two men. Thanks to Barry Wimpfheimer for this reference.

4. Critical scholarship on "speciesism"—the elevation of human status and humans' interests over considerations of all other species—has exploded in recent years. For many theorists, the very insistence on a human/animal divide reinforces habits of exclusion and exceptionalism, so that oppressive structures

become inescapable. This is the central claim, for example, in Kelly Oliver's *Animal Lessons,* a survey of animals in modern and postmodern philosophy. Cary Wolfe takes a similar tack in considering the world of the university in particular in "Humane Advocacy and the Humanities: The Very Idea," in DeKoven and Lundblad, *Species Matters*, 27–48. Other scholars focus more narrowly on how the abjection of animals intersects with colonialism, racism, misogyny, and other systems of oppression. These studies tend to examine how animal language and images are used to degrade specific groups of people.

5. See, for example, Martha C. Nussbaum, "Compassion: Human and Animal," in DeKoven and Lundblad, *Species Matters*, 139–72.

6. See, for example, Christopher Peterson, *Bestial Traces: Race, Sexuality, Animality* (New York: Fordham University Press, 2013).

7. Chen explores the intersections of critical animal studies, disability studies, queer studies, and linguistics in *Animacies*.

8. Peterson, *Bestial Traces*, 7.

9. Chen, *Animacies*, 24. To be more specific, Chen explains that Michael Silverstein was the first to advance the idea of an "animacy hierarchy," noting that in many languages, case markings on nouns are determined by how "animate" they are. Chen offers this characterization of his findings: "Silverstein observed that *less* animate subjects were *more* likely to receive special ergative marking, in a kind of communicative reassurance that such types of subjects could indeed possess the agentive or controlling capacities required to do the actions provided by the verb. More animate subjects did not need this marking and could receive regular nominative (unmarked) case. His observations resulted in a suggested 'hierarchy of animacy' from inanimate to third, second, and first personhood." Chen, *Animacies*, 25–26.

10. Ibid., 26–27. This hierarchy of humans aligns with rabbinic texts in striking ways, for example in the threefold distinctions that are honored in the morning blessings (b. Menaḥot 43b), in which a worshipper praises God for making him free (not a slave), male (not a woman), and Jewish (not a Gentile).

11. Chen, *Animacies*, 30.

12. The baraita corresponds to t. AZ 2:1 and appears on b. AZ 22b. The distinction between bestial sex in the "active or passive position" reflects the Hebrew's distinction between רובע and נרבע, whether the human partner is penetrated by the animal or the animal is penetrated by the human:

> לוקחין מהן בהמ' לקרבן ואין חוששין לא משום רובע ולא משום נרבע ולא משום מוקצה ולא משום נעבד

13. The first pass at reconciling the mishna and baraita, which I treat here, appears on AZ 22b. An alternative resolution, attributed to Ravina, is briefly entertained on 23a. A third effort, attributed to Rabbi Pedat, is introduced on 23a. A fourth attempt is attributed to Rabbi Yoḥanan on 24b. Following a brief consideration of Rabbi Yoḥanan's suggestion, the Bavli engages in some fanciful scriptural interpretation (prompted by mention of the cows who carry the ark away from the Philistines in I Sam. 6:14) before turning its attention to the second clause of the mishna at the bottom of 25a.

14. In arguing for the distinctive artistry of the Bavli, it is instructive to compare the Bavli's approach to that of the Palestinian Talmud, or Yerushalmi (y. AZ 2:1, 40c). While many of the individual statements that appear in the Bavli appear in the Yerushalmi as well, the material is arranged quite differently. The baraita that propels the Bavli's sugya is not cited in this context within the Yerushalmi at all. Rather, the initial question that propels the Yerushalmi's discussion is how the mishna's suspicions of Gentile bestiality square with the Sages' admission of red heifers belonging to Gentiles. The sugya in the Yerushalmi most closely resembles the resolution that is attributed to Rabbi Pedat in the Bavli on 23a. In Alyssa Gray's classification of the various relationships that govern the Bavli's use of the Yerushalmi, she identifies the Yerushalmi sugya as one that is appropriated by the Bavli. I would argue instead that this is an instance of what she identifies as the Bavli building "a complex sugya using some materials marked as relevant by the Y. Avodah Zarah Redactors." See Alyssa M. Gray, *A Talmud in Exile: The Influence of Yerushalmi Avodah Zarah on the Formation of Bavli Avodah Zarah* (Providence: Brown Judaic Studies, 2005), 243–44.

15. B. AZ 22b. The parentheses indicate marginal notes interpolated into the text of ms. JTS Rab. 15 in a second scribal hand, and the square brackets mark my own glosses.

16. This is not the only place in our tractate that shepherds are portrayed as unsavory characters. In other talmudic contexts, shepherds are all but synonymous with thieves. Thus on AZ 26a–b, Jewish shepherds and non-Jews together compose the category of those one is not required to save from a pit.

17. In ms. JTS Rab. 15, the main text reads רגלא (*ragla*) while a marginal note in another hand provides the alternative דגלא (*dagla*). I translate דגלא, which I take to be a better reading. דגלא means "deceiver" or "liar" in Aramaic and fits well with the context, which describes how shepherds exploit Jewish ignorance in deceiving Jewish livestock owners. This is also the reading that appears in the *ʿArukh*. Though Rabenu Ḥananel has רגלא, Shraga Abramson uses the *ʿArukh* to reconstruct an earlier version of R. Ḥananel, in which דגלא appears. See Abramson, "Le-ḥeker Ha-ʿArukh," *Leshonenu* 36 (1972): 126–28. The Munich and Paris manuscripts both have רגלא, as does Rashi, who interprets it as "tale bearer." According to Tosafot, Rabenu Tam prefers דגלא. See Abramson for alternative explanations of רגלא and for references to this aphorism in other post-talmudic sources.

18. B. AZ 22b. In the translation the parentheses indicate marginal notes that have been added to the main text in ms. JTS Rab. 15, and the brackets mark my own insertions.

[א דתניא לוקחי' . . . מרועה שלהן] וליחוש דילמא רבעה רועה [רועה] מתירא משום הפסד שכרו [. . . ?הכי אנן נמי] ואלא הא דתניא ואין מוסרין בהמה לרועה שלהן [אמאי לא] הא אמרת רועה משום הפסד שכרו מירתת אינהו דידעי בהו מירתתי אנן דלא ידעי' בהו לא מירתתי אמ' רבא הינו דאמרי אינשי מְכַתְּבָא גללא בזע ורגלא [..דגלא] בחבריה ידע

19. My interpretation of the Aramaic aphorism follows the *ʿArukh*. This is the sense in which the expression is understood in other commentaries as well. See Abramson, "*Le-ḥeker Ha-ʿArukh*," 126–28. While the aphorism

has the same general sense as the saying "It takes one to know one," it has a much narrower semantic field. Appealing to the specific physical properties of styluses and stones, the aphorism offers a vivid characterization of deceivers' incisive cunning.

20. Within the world of talmudic dialectics, this is not as absurd a notion as it might sound. One could posit, for example, the remarkable sexual allure of Jewish animals. In fact, later on this page, the sugya comes close to making precisely this claim, citing a rabbinic opinion that "the livestock of Jews are more dear to non-Jews than their own wives."

21. In Hebrew, the masculine plural can refer to a group of mixed gender or to a group that is exclusively male.

22. Ms. JTS Rab. 15 here differs from both ms. Paris and ms. Munich, which read מגרי בה and not מסריך. Since the word מסריך appears a few lines down, it seems likely that this is a scribal error.מסריך means to form an attachment, while מגרי means to incite a sexual attraction. While מגרי thus makes for a more colorful rendering, the sense of the argument does not change.

23. B. AZ 22b. The parentheses indicate notes that are written in the margins of ms. JTS Rab. 15, and the brackets indicate my own insertions.

24. There is a parallel discussion in b. Baba Metziʿa 71a, where Rav Yosef's dictum is raised in the context of a discussion about whether proselytes and women may own slaves. I examine this text and its implications below.

25. As Naomi Seidman pointed out to me, the language of "leaving them alone together" (מיחדינן) already bespeaks the possibility of a sexual union, as in m. Kidushin 4:12 where similar language is used to prohibit private meetings that might lead to sexual improprieties. Even though the sense of the argument denies that female-on-female bestiality is a concern, the language here suggests otherwise.

26. B. AZ 22b.

27. Gary A. Anderson identifies a Christian apocryphal work from the second century, the Protevangelium of James 13:1, as the earliest text in which the serpent is imagined having sex with Eve. It is unclear if this could be the origin for the idea in the Bavli. There are other late Jewish texts in which the snake and Eve have sex—Targum Pseudo-Jonathan and Pirkey de-Rabbi ʾEliʿezer—but the difficulty in determining their provenance makes the direction of influence—if there is any—difficult to gauge. See Anderson, *The Genesis of Perfection* (Louisville: Westminster John Knox Press, 2001), 90–92. The Rabbi Yoḥanan tradition appears elsewhere in the Bavli, in Yevamot 103b and Shabbat 146a; ours is the only talmudic context in which bestiality is a theme within the surrounding discussion.

28. The suggestion seems less outlandish in light of a folk tradition that traces a wicked race of women to ancient acts of bestiality between Noah's sons and his animals. Dina Stein reads this folktale as a response to tensions and suggestions that inhere within the structure of the scriptural story of Noah. See Stein, "Noah, His Family, and Other Animals" (Hebrew), in *Mirkamim: Tarbut, Sifrut, Folḳlor le-Galit Ḥazan-Roḳem*, ed. Hagar Salamon and Avigdor Shinan (Jerusalem: Ha-Makhon le-madaʿey ha-Yahadut, Hebrew University, 2012), 1–20. I thank Dina Stein for sharing her essay with me.

29. B. AZ 22b.

30. Another difference that is worthy of note is that Rabbi Yirmiya's report does not relate to non-Jews in general, but rather specifically to an Arab, one of only several such designations in AZ. Another reference is on 27a and identifies Arabs as non-Jews who practice circumcision. For a discussion of depictions of Arabs in rabbinic literature, see Aharon Oppenheimer, "The Attitude of the Sages Toward the Arabs," in *Jewish Studies in a New Europe: Proceedings of the Fifth Congress of Jewish Studies in Copenhagen 1994*, ed. Ulf Haxen et al. (Copenhagen: C. A. Reitzel A/S International Publishers, Det Kongelige Bibliotek, 1998), 572–79. Oppenheimer argues that references to Arabs in the Talmud are generally negative, but Carol Bakhos argues for a more nuanced reading. She cautions against reading too much into the Arab identity of the fornicator in this particular passage, suggesting that it is non-Jewishness rather than his Arabness which is emphasized. See Carol Bakhos, *Ishmael on the Border: Rabbinic Portrayals of the First Arab* (Albany: State University of New York Press, 2006), 67–74.

31. For a parallel to Rabbi Yirmiya's tradition in contemporary literature, see Philip Roth's *Portnoy's Complaint*, where the adolescent Portnoy has a similar experience with a piece of liver.

32. Wendy Doniger, *The Bedtrick: Tales of Sex and Masquerade* (Chicago: University of Chicago Press, 2000), 127.

33. Derrida, *The Animal That Therefore I Am*, 34.

34. Derrida traces the patrimony of this prejudice "from Aristotle to Lacan, and including Descartes, Kant, Heidegger, and Levinas" (ibid., 32), then treats each of these thinkers individually in the continuation of the work.

35. M. AZ 1:6 distinguishes between large livestock (*behema gasa*) like cows and oxen and possibly horses, and small livestock (*behema daka*), i.e. sheep and goats.

36. Dogs are explicitly identified as *behema* in y. Kila'im 1:6, 27a. See Joshua Schwartz, "Good Dog—Bad Dog: Jews and Their Dogs in Ancient Jewish Society," in *A Jew's Best Friend? The Image of the Dog Throughout Jewish History*, ed. Phillip Ackerman-Lieberman and Rakefet J. Zaleshek (Brighton: Sussex Academic Press, 2013), 72. See the rest of Schwartz's article for a survey of ancient Jewish sources about dogs, 52–89.

37. B. AZ 16a distinguishes between *behema* (בהמה) and *ḥaya* (חיה), and further between large and small species of each. See also m. AZ 1:7, which specifies that "one doesn't sell them bears or lions" without using a general term.

38. For a classic account of how the dietary restrictions reflect a taxonomic system that expresses the cosmology of ancient Israel, see Mary Douglas, *Purity and Danger* (New York: Frederick A. Praeger, 1966), 41–57.

39. Jonathan Klawans points out that the laws of animal sacrifice in ancient Israel are under-theorized, and that much of the scholarship on sacrifice suffers from an evolutionist and/or supersessionist bias. This means that there are few scholarly treatments that engage the details of ritual procedures or their symbolic meanings. For a review of the scholarship on sacrifice,

and an attempt to read sacrifice as a symbolic system, see Klawans, *Purity, Sacrifice, and the Temple: Symbolism and Supersessionism in the Study of Ancient Judaism* (Oxford: Oxford University Press, 2006).

40. For a discussion of animals as legal subjects in talmudic law, see Beth Berkowitz, "Animal," in *Late Ancient Knowing: Explorations in Intellectual History*, ed. Catherine M. Chin and Moulie Vidas (Berkeley: University of California Press, 2015), 36–57.

41. ʿEruvin 100b, ms. Munich 95.

42. Derrida points out the paradox whereby "bestiality" is within the exclusive purview of human beings: "One cannot speak—moreover, it has never been done—of the bêtise or bestiality of an animal. It would be an anthropomorphic projection of something that remains the preserve of man, as the single assurance, finally, and the single risk of what is 'proper to man.'" See Derrida, *The Animal That Therefore I Am*, 41. His comment refers to what I identify above as the second meaning of the word "bestiality," in the sense of debasement or brutality, but it applies as well to acts of *reviʿa,* the third sense of "bestiality." For the Bavli, whenever humans and other animals have sex, the human bears responsibility.

43. Shaye J. D. Cohen makes a similar observation—though without engaging animals—when he writes, "Within rabbinic texts and the rabbinic community, the free adult Israelite male is the paragon of normality. Those who are not free, not adult, not Israelite, and not male constitute the Other against whom free Israelite males are defined and define themselves." In Cohen, *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties* (Berkeley: University of California Press, 1999), 337.

44. See the juicy texts collected and analyzed in Daniel Boyarin, *Carnal Israel: Reading Sex in Talmudic Culture* (Berkeley: University of California Press, 1993).

45. Nussbaum, "Compassion," 159–61.

46. Genesis Rabba 14:3, Theodor-Albeck, 128.

47. For a magisterial account of how the concept of "the great chain of being" emerged from a merging of Platonic and Aristotelian ideas and came to organize Western philosophic thought, see Arthur O. Lovejoy, *The Great Chain of Being: A Study of the History of an Idea* (Cambridge, MA: Harvard University Press, 1936). This continuum of existence can be compared to the animacy scale that linguists have identified as being built into language. See Chen, *Animacies*, 26–27.

48. In recent decades, Jewish feminists have debated the questions of whether and to what degree Jewish women are in fact parties to the covenant contracted at Sinai. See for example Judith Plaskow, *Standing Again at Sinai: Judaism from a Feminist Perspective* (San Francisco: Harper and Row, 1990), esp. 25–26. Later, I suggest that the talmudic chapter anticipates this question not only here, in the context of the opening sugya, but in other discussions of women, wives, and widows in "ʾEyn Maʿamidim."

49. In other contexts, the Bavli extends the innuendo of animal origins and animal characteristics to unlettered Jewish men. See discussions of the *ʿam ha-ʾaretz* in b. Sota 22a and b. Pesaḥim 49b, and in my Chapter 5 below.

50. For example, see Gen. 7:2, which distinguishes between animals that are pure (*tahor)* and those that are not (with no specific term given for this latter category). Longer scriptural treatments in Lev. 11 and Deut. 14 identify animals that are prohibited from being eaten as impure (*tame'*). Mary Douglas famously demonstrates the systemic logic whereby animals that maintain the mode of locomotion appropriate to their environment are considered pure, and those that evade categorization as typical land animals, fish, or birds are considered impure. See Douglas, *Purity and Danger*, 41–57.

51. My attention to the relative closeness and distance of animal species to human habitation is influenced by Edmund R. Leach's classifications of animals that are "very close" (pets); "tame, but not very close" (farm animals); "field animals"; and "remote wild animals." See Edmund Leach, "Anthropological Aspects of Language: Animal Categories and Verbal Abuse," in *Reader in Comparative Religion: An Anthropological Approach*, 4th ed., ed. William A. Lessa et al. (New York: Harper and Row, 1979), 153–66, and esp. the chart on 159. Leach uses this same scale of close-remote to categorize both the edibility of food and the sexual accessibility of kin and non-kin. In the Bavli, these two categories of taboo intersect in intriguing ways, as we have seen. Also relevant here is the intriguing suggestion by Jonathan Z. Smith that the history of sacrifice is intertwined with the history of animal domestication in "The Domestication of Sacrifice," in *Violent Origins: Walter Burkert, René Girard, and Jonathan Z. Smith on Ritual Killing and Cultural Formation* (Stanford, CA: Stanford University Press, 1987), 191–205. But see the word of caution about Smith's argument in Klawans, *Purity, Sacrifice, and the Temple*, 59.

52. See Schwartz for a discussion of the realia of dog ownership among Jews in the rabbinic period.

53. Thanks to Dina Stein for suggesting I pay attention to the differences among species in this passage.

54. Derrida, *The Animal That Therefore I Am*, 6.

55. Ibid., 3–6, 9–14. One criticism of Derrida's work on animals is that he does not extend quite enough attention—or affection—to his pussycat. See Donna J. Haraway, *When Species Meet* (Minneapolis: University of Minnesota Press, 2008), 19–22.

56. For discussions of the opening sugya as a genre, see Chapter 1 above; Avraham Weiss, *Ha-Yetzira shel ha-Sabora'im* (*Ḥelkam bi-Yetzirat ha-Talmud*) (Jerusalem: Magnes Press, 1953), 1–18; Yaakov Elman, "The World of the 'Sabboraim': Cultural Aspects of Post-Redactional Additions in the Bavli," in *Creation and Composition*, ed. Jeffrey L. Rubenstein (Tübingen: Mohr Siebeck, 2005), 383–415; and Jeffrey L. Rubenstein, *Talmudic Stories* (Baltimore: Johns Hopkins University Press, 1999), 212–42.

57. It is in the context of this argument that the story of Dama Ben Netina appears. See the Introduction above.

58. אלא מחוורתא כדשנין מעיקרא AZ 24b.

59. The phrase recurs more than twenty times in the Bavli, and it remains to be investigated whether the literary considerations I propose here would be relevant in any of these contexts.

60. To be clear, I am not suggesting that the solutions attributed to Ravina, Rabbi Pedat, and Rabbi Yoḥanan were actually proposed by them. In fact, the articulation of the question might very well be an innovation of the Bavli editors, so that the early authorities cannot have weighed in directly. The parallel passage in the Yerushalmi does not raise the question, or even cite the problematic baraita. The Yerushalmi does include much of the material that the Bavli enlists in investigating Rabbi Pedat's suggestion, though in the Yerushalmi Rabbi Pedat is not named. For an extended analysis of the variety of ways that Bavli AZ uses the Yerushalmi, see Gray, *A Talmud in Exile*.

61. This proposal is impossible to prove, but comparison to the parallel sugya in the Yerushalmi is somewhat suggestive, especially given Gray's foundational work in demonstrating that the editors of the Bavli had access to a version of the Yerushalmi. The baraita whose apparent conflict with the mishna powers the Bavli's opening sugya is not cited in the Yerushalmi at all. Instead, the opening comments in the Yerushalmi relate the mishna to Rabbi ʾEliʿezer's opinion on the permissibility of purchasing animals for sacrifice from non-Jews. In the Bavli, much of this material is recontextualized in what I have identified as the third pass at reconciling the mishna and the baraita; this third effort, assigned to Rabbi Pedat, is a considerably longer, more complex, and arguably less successful attempt to reconcile the problem than the opening sugya reviewed above, perhaps because it attempts to absorb the Yerushalmi materials into new dialectical terrain. This also partly accounts for the question of why the Bavli would have included less successful attempts—it knows the Yerushalmi materials, and the value of tradition means that it cannot simply ignore them.

62. This is the language that Alyssa Gray uses to identify areas of talmudic innovation that are not generated by interpretive necessity. For a longer discussion, see my preceding chapter. Gray, *A Talmud in Exile*, 34–36.

63. See the Introduction for discussion of this story. Shamma Friedman suggests that the name "Dama" echoes the redness of the calf; if this is so, the name exemplifies the chapter's identification of Gentiles with animals. See Shamma Friedman, "Dama ben Netinah—Regarding His Historical Character; A Chapter in the Study of Talmudic Aggada" (Hebrew), in his *Talmudic Studies: Investigating the Sugya, Variant Readings and Aggada* (New York: Jewish Theological Seminary, 2010), 433–74, esp. 454.

64. I examine this story in Chapter 3.

65. I examine these traditions in Chapter 3.

66. David Kraemer connects the snake motif to the theme of Gentile impurity rather than to the theme of animality in *Jewish Eating and Identity through the Ages* (New York: Routledge, 2007), 69–71. I examine these sources in Chapter 3.

67. Rachel Adler surveys the first decades of Jewish feminist scholarship in her introduction to *Engendering Judaism: An Inclusive Theology and Ethics* (Boston: Beacon Press, 1998), xiv–xxv.

68. Plaskow, *Standing Again at Sinai*, 32–33.

69. It is important to note, however, that in this realm the English and Hebrew terms do not line up. The Hebrew *ʿarelim* is generally translated

as "uncircumcised," but in fact can be more precisely rendered as "foreskinned." While Jewish women are literally uncircumcised, they are not literally *ʿarelim*, and neither are non-Jewish women.

70. This common grammatical form in biblical Hebrew uses the infinitive to intensify the imperative, so that the verbal root appears twice in succession. It is known as an intensifying infinitive absolute.

71. B. AZ 27a, ms. Munich 95. Note that in this instance, I do not rely on ms. JTS Rab. 15, which diverges from all the other witnesses. In both the Munich and Paris manuscripts, as in the printed editions, there are three successive suggestions for what constitutes the practical difference between the two scriptural derivations of the law excluding non-Jews from circumcising: the circumcised non-Jew, the uncircumcised Jew, and the Jewish woman. In ms. JTS Rab. 15, however, the second round of dialectic does not appear, and the sugya moves directly from the case of the circumcised non-Jew to the case of the Jewish woman. Ms. JTS Rab. 15 is the only witness in which this material is missing. (Note, however, that the line that begins "Therefore" does not appear in ms. Paris 1337.)

72. If the term was taken to refer only to circumcised Jewish men, it could perhaps be understood as synecdoche, with the part (the circumcised penis) standing in for the whole (Jewish man).

73. This move away from the literal and toward the figurative is especially striking given the centrality of circumcision—and its hermeneutics—in Jewish-Christian polemics. As Daniel Boyarin points out, Paul uses the term "the circumcision" to refer to Jews, and the terminology participates in his distinction between "Israel according to the flesh" and "Israel according to the spirit." In *Radical Jew,* Boyarin highlights the confluence between circumcision and written language in rabbinic thought, reading the circumcised male Jewish body as a sacred text. For the rabbis, insistence on physical circumcision expresses the primacy of the concrete, physical aspects of language. See Boyarin, *A Radical Jew: Paul and the Politics of Identity* (Berkeley: University of California Press, 1994), esp. 13–38. See also Naomi Seidman's argument that circumcision provides a key for understanding Jewish translation in *Faithful Renderings: Jewish-Christian Difference and the Politics of Translation* (Chicago: University of Chicago Press, 2006), 73–114. There is a comparison to be made between how the Bavli metonymizes circumcision so as to allow for the inclusion of women and how Paul allegorizes circumcision so as to allow for the inclusion of Gentiles.

74. B. AZ 30a. In ms. JTS Rab. 15, the last line has been emended to read, "There are those who say: Rav would not drink water from the house of an *ʾArama'a*, from the house of an *ʾarmalta*, while Shmu'el would not drink water from the house of an *ʾArama'a*, but from the house of an *ʾarmalta* he would drink."

75. Michael Sokoloff defines it as "pagan" and lists nine pages where the term is used: 11a, 30a, 31b, 33b, 34b, 35b, 39a, 70a, and 75a. Sokoloff, *A Dictionary of Jewish Babylonian Aramaic of the Talmudic and Geonic Periods* (Ramat Gan: Bar Ilan University Press, 2002), 169 (entries 1 and 2 for ארמאה and the entry for ארמיותא). In contrast, the term *goy* appears over 300

times. (This sharp contrast is not reflected in the Vilna edition, however, because *goy* has been systematically expunged by censors.)

76. To be sure, *ʾArama'a* is a more nuanced term than *goy;* while *goy* functions much as "non-Jew," defined in opposition to *Yisrael*, or "Jew," *ʾArama'a* denotes a pagan identity in positive terms. Jastrow suggests that, etymologically, it might relate to Rome, and thus refer to a particular pagan tradition. Both he and Sokoloff (ibid.) also note that the term might relate to the biblical Arameans, or Syrians. For further discussion of the term, see Geza Vermes, "Leviticus 18:21 in Ancient Jewish Bible Exegesis," in *Studies in Memory of Joseph Heinemann*, ed. Jakob J. Petuchowski and Ezra Fleisher (Jerusalem: Magnes Press, 1981), 113–15.

77. B. AZ 39a. I translate *ḥaver* as "rabbi," because this is the sense of the word when paired with its dual opposite, *ʿam ha-ʾaretz,* as it is in the surrounding sugya. See Yair Furstenberg, "*ʿAm ha-ʾaretz* in Tannaitic Literature and Its Social Contexts" (Hebrew), *Zion* 78.3 (2013): 287–319, esp. 293 and 309, and the bibliography in note 84. For a parallel sugya, see b. Bekhorot 30b.

78. The *ʿam ha-ʾaretz* is a Jew who does not follow rabbinic strictures. I return to these terms and examine what they convey about the constitution of the Jewish community in Chapter 5. For an examination of the terminology in tannaitic literature, see Furstenberg, "*ʿAm ha-ʾaretz* in Tannaitic Literature."

79. B. AZ 39a.

80. Stein, "Noah, His Family, and Other Animals."

81. Ibid., 19.

82. For a thoroughgoing study of biblical, postbiblical, and rabbinic understandings of impurity, and how this body of law constructs the nature of Jewish-Gentile difference, see Christine Hayes, *Gentile Impurities and Jewish Identities: Intermarriage from the Bible to the Talmud* (Oxford: Oxford University Press, 2002).

83. Hayes minimizes the practical implications of Gentile impurity in the rabbinic period, and this is part of her larger argument that the rabbis' development of rituals of conversion reflects their rejection of earlier views that locate Jewish identity in the blood. Her legal formalism does not recognize how the category of impurity functions as a literary trope and, as such, might continue to shape psychological attitudes and social realities even when impurity is no longer in effect as law. This is the force of David Kraemer's critique when he writes, "Particularly in the rabbinic period, after the destruction of the sanctum (where impurity has real consequences), the creation or extension of impurity would have had rhetorical consequences, seeking to persuade the observer to keep his or her distance from that which is marked as impure. This would replicate the intent of the prophets of Israel when they spoke of sinful Israel as impure (menstrually or otherwise). Hayes's distinctions are academic, not actual." See Kraemer, *Jewish Eating and Identity*, 179n.12.

84. The sugya in which this tradition is cited appears on AZ 36b. The sugya recounts a tradition of "Eighteen Things" that early rabbis enacted

through rabbinic decree on one rare occasion when the disciples of Shammai dominated the disciples of Hillel. For a review of the handful of sources in which this tradition appears, see Gunter Stemberger, "Hananiah ben Hezekiah Ben Garon, the Eighteen Decrees and the Outbreak of War Against Rome," in *Flores Florentino: Dead Sea Scrolls and Other Early Jewish Studies in Honour of Florentino Garcia Martinez*, ed. Anthony Hilhorst et al. (Leiden: Brill, 2007), 691–703. I return to this tradition and examine the sugya in which it appears in Chapter 3.

85. B. AZ 36b.

86. Nussbaum, "Compassion," 140, 156–61.

87. Ibid., 159.

88. In this, the Bavli's construction of the difference between Jews and Gentiles differs from other views that were held among ancient Jews. My reading offers support for Christine Hayes's argument that for the rabbis, Jewish identity is volitional, in contrast to biblical and sectarian sources that locate Jewishness in holy seed or blood. See Hayes, *Gentile Impurities and Jewish Identities,* esp. 159–63.

CHAPTER 3

1. Among these connections are what law and literature share through their common use of language, narrative, and metaphor; the centrality of interpretation to both; how literature portrays law in fiction and theater; how law governs literature through censorship, copyright, and other regulations; and how law and literature relate to each other and to the cultures in which they are embedded and which they construct. For a brief introduction to this scholarly movement, see Kieran Dolin, *A Critical Introduction to Law and Literature* (Cambridge: Cambridge University Press, 2007), esp. 10–15.

2. I am indebted to Barry Scott Wimpfheimer for this insight. He argues that distinctions between halakha and ʾagada are best understood as reflections of different hermeneutics brought by the reader rather than as genre differences inherent in the text. See his *Narrating the Law: A Poetics of Talmudic Legal Stories* (Philadelphia: University of Pennsylvania Press, 2011), 31–40.

3. Seth Schwartz, "Gamliel in Aphrodites' Bath," in *The Talmud Yerushalmi and Graeco-Roman Culture*, vol. 1, ed. P. Schäfer (Tübingen: Mohr Siebeck, 1998), 203–17.

4. Moshe Halbertal, "Coexisting with the Enemy: Jews and Pagans in the Mishna," in *Tolerance and Intolerance in Early Judaism and Christianity*, ed. G. Stanton and G. Stroumsa (Cambridge: Cambridge University Press, 1998), 158–72. Yishai Rosen-Zvi offers yet another account, arguing that the biblical concept of *ḥerem* as destruction survives into the tannaitic period and is advocated by Rabbi Yishmaʿel, though Rabbi ʿAkiva's school rejects it. According to Rosen-Zvi, the Mishna's liberalizing program bears the imprint of Rabbi ʿAkiva and is a polemical attempt to redefine *ḥerem* as social distance rather than physical destruction. See Rosen-Zvi, "'You Shall

Surely Destroy All the Places': Polemics About the Obligation to Destroy Idolatry in Tannaitic Literature" (Hebrew), *Reshit: Studies in Judaism* 1 (2009): 91–116.

5. Noam Zohar, "*Meḥitzot seviv merḥav tzibori meshutaf: ha-yaḥas la-goyim ve-le-tzalmeyhem ʿal pi mishnat ʿavoda zara*," *Reshit: Studies in Judaism* 1 (2009): 145–64. Zohar characterizes his approach as a literary analysis of the Mishna rather than as "history of Halakha." The designation "structuralist" is mine, not his.

6. Ibid., 146–47.

7. Ibid., 161–64.

8. See Mary Douglas, ed., *Constructive Drinking: Perspectives on Drink from Anthropology* (Cambridge: Cambridge University Press, 1987).

9. Dwight Heath, "A Decade of Development in the Anthropological Study of Alcohol Use, 1970–1980," in ibid., 47.

10. I cite the following synthesis of cross-cultural analyses at length because it so aptly accords with the centrality that Zohar assigns to wine in his reading of the Mishna:

In many societies, perhaps the majority, drinking alcohol is a key practice in the expression of identity, an element in the construction and dissemination of national and other cultures. And the roles of drinking, in terms of culture and identity, are not 'simply' (as if such things are simple) aspects of everyday life, that arena of discourse and action so beloved of ethnographers. Drinking is the veritable stuff of any and perhaps every level and type of culture, and is implicated in the behaviours, values, ideologies and histories of these cultures. In essence drinking is itself cultural; it is not so much an example of national and other cultural practices, in the sense that it is a performance of something that runs deeper in the national or ethnic makeup, as much as it is itself a bedrock of national and ethnic culture. As such it is an integral social, political and economic practice, a manifestation of the institutions, actions and values of culture.

Thomas M. Wilson, *Drinking Cultures: Alcohol and Identity* (New York: Berg, 2005), 3–4.

11. Shlomo Naeh, "*Tovim dodekha mi-yayin*: A New Perspective on Mishna Avoda Zara 2:5" (Hebrew), in *Studies in Talmudic and Midrashic Literature in Memory of Tirzah Lifshitz,* ed. M. Bar-Asher et al. (Jerusalem: Bialik Institute, 2005), 411–34.

12. M. AZ 2:3.

13. M. AZ 2:6.

14. M. AZ 2:7. In addition to these categories, the Mishna lists items whose classification is a matter of rabbinic dispute in m. AZ 2:4.

15. In the preceding mishna, there is a dispute regarding the prohibition on cheese prepared by Gentiles. The majority of rabbis prohibit Jews from eating Gentile cheese, though they permit Jews to sell it and otherwise to benefit from it. Rabbi Meʾir prohibits Jews both from eating and from benefiting from it.

16. The ellipsis replaces a demurral of R. Yishmaʿel's argument that interrupts the flow of the dialogue itself and is generally taken to be a later

insertion into the story: "But in fact they did not allow him to do this and rather said one should not benefit from the stomach contents, but neither was it considered as serious a breach as *meʿila* [the expropriation of sacred property]."

17. The story appears in m. AZ 2:5, which appears in ms. JTS Rab. 15 on 22a. In this manuscript, the name "Rabbi Shimʿon" has been scratched out and replaced with "Rabbi Yishmaʿel." This is a common orthographic shift since the names have a shared root; it might reflect an original abbreviation. In all the mishnaic manuscripts, the story features Rabbi Yishmaʿel, not Rabbi Shimʿon, and my translation reflects that version as well.

18. Naeh, "*Tovim dodekha mi-yayin*," 422–23. This partitioning of the prohibitions into two classes is prevalent in halakhic treatments of the food and wine prohibitions. Zvi Arie Steinfeld uses different terminology, distinguishing between substances that are prohibited as "mixtures" and those that are prohibited in themselves. See his "*Dvarim shel goyim ha-ʾasurim veha-mutarim ba-ʾakhila*," *Sinai* 86.3–4 (Kislev-Tevet 1980): 149–51.

19. Naeh, "*Tovim dodekha mi-yayin*," 427.

20. Ibid., 417.

21. Ibid., 427. As Chana Kronfeld explains, in this interpretation both the literal and figurative meanings are maintained and "wine" functions as a junction word, operating in the domains of both the tenor, the subject being described, and the vehicle, the object whose attributes are borrowed for the metaphorical comparison.

22. B. AZ 36b. I return to this source below.

23. Though the mishnaic tractate has come down to us in five chapters, Peter Schäfer proposes that thematically it can be divided into three main sections: (1) commercial relationships with Gentiles (m. AZ 1:1–2:10); (2) pagan idols (m. AZ 3:1–4:7); and (3) libation wine (m. AZ 4:8–5:15). As Schäfer points out, however, this tripartite analysis obscures the degree to which Gentile wine dominates the tractate as a whole, because discussion of wine is not limited to Section 3 alone, but is also central to the end of Section 1. Peter Schäfer, "Jews and Gentiles in Yerushalmi Avodah Zarah," in *The Talmud Yerushalmi and Graeco-Roman Culture*, vol. 3, ed. Peter Schäfer (Tübingen: Mohr Siebeck, 2002), 335–54. The three main sections or "weaves" that Zohar describes in his analysis of m. AZ correspond to Schäfer's breakdown. See Zohar, "*Meḥitzot seviv merḥav tzibori meshutaf*," 146–47.

24. An earlier witness of this story is t. Ḥullin 2:22–24.

25. B. AZ 27b. As this page of ms. JTS Rab. 15 is missing, I rely here on ms. Paris 1337.

26. That Yaʿakov is a min is clear from the local context, where the story appears as an illustration of a baraita that teaches, "A person should not have exchanges with the minim, nor receive healing from them, even for the sake of the life of an hour." This same Yaʿakov character appears elsewhere in the tractate as well. On 17a he impresses Rabbi ʾEliʿezer with a clever biblical interpretation; Rabbi ʾEliʿezer is accused of minut by the Roman authorities on the basis of that interaction. In the Munich, Paris, and JTS manuscripts

for 17a, Yaʿakov is identified as "a disciple of Yeshu the Nazarite," a reference to Jesus, while the parallel story in t. Hullin 2:24 identifies Yaʿakov as a follower of Yeshu ben Pantera, a derogatory epithet for Jesus. There is a large secondary literature dedicated to the identification of the minim. In the Bavli, they are generally associated with Christians, while in earlier rabbinic texts they are now understood to designate a broad variety of sectarians and heretics. For helpful reviews of relevant rabbinic texts and scholarly discussions, see Stuart S. Miller, "The Minim of Sepphoris Reconsidered," *Harvard Theological Review* 86.4 (1993): 377–402; and Richard Kalmin, "Christians and Heretics in Rabbinic Literature of Late Antiquity," *Harvard Theological Review* 87.2 (1994): 155–69. Daniel Boyarin can be credited with shifting the scholarly conversation from the question of "Who were the minim?" to the question of how the language of heresy participates in the construction of Jewish identity. He makes a persuasive case for the shift in the meaning of min from a designation for Jews with heretical views to a designation for Gentiles, especially Christian ones, in *Border Lines*: *The Partition of Judeo-Christianity* (Philadelphia: University of Pennsylvania Press, 2004).

27. B. AZ 27b. In fact, the Bavli smooths over this difficulty in another way as well, in the wording of the baraita that immediately precedes the story. The baraita reads, "A person should not have exchanges with the minim, nor receive healing from them, even for the sake of the life of an hour." The baraita is unattributed, and I suspect that it is manufactured in light of the story. The specification of "even for the sake of the life of an hour" suggests that if such a healing intervention would result in a more permanent restoration of life and health, the healing might be permitted; it is simply the "life of the hour" that cannot be justified. According to the logic of the story, since Ben Dama would be bitten by another snake should he transgress a rabbinic ruling and accept Ya'akov's healing, the healing for the sake of but an hour of life cannot be justified.

28. ʾAvot 1:1 uses the word סייג (*syag*) while our story uses the biblical גדר (*gader*). The semantic fields are very similar.

29. The prophylactic function of such "fences" is clarified later in ʾAvot, where the same logic is employed in a series of analogical relations. According to Rabbi ʿAkiva, "Tradition is a fence for Torah; vows are a fence for abstinence; the fence for wisdom is silence" (ʾAvot 3:13).

30. My reading of this sugya closely follows Daniel Boyarin's account in *Socrates and the Fat Rabbis* (Chicago: University of Chicago Press, 2009), 152–55.

31. The baraita also appears on b. Sanhendrin 57a.

32. The story appears on b. AZ 4a. See a discussion in Boyarin, *Border Lines*, 223.

33. This proposal is related to (and sparked by) a different insight articulated by Daniel Boyarin, when he observes that for a period in antiquity, in both Christian and Jewish discussions of heresy, one's position on Jesus might have been but one among a series of crisscrossing boundary lines. Religious folk who disagreed on Jesus might nonetheless be united in their attitudes about resurrection, for example, and at a certain point in history it

might not have been self-evident that one line of difference was any more or less important than another. Boyarin's point relates to history, while mine is an observation about how this particular story is told. I am arguing that in this narrative, the theme of minut is used to denigrate those Jews who prize Scripture, by suggesting that they resemble Bible-thumping minim too much.

34. In fact, in the Bavli's commentary on the story (27b), the editors provide the scriptural argument on Ben Dama's behalf, citing the midrashic reading of Lev. 18:9 that interprets the biblical injunction to "live by them" as a commandment not to die for the sake of the commandments.

35. There is scholarly debate about this issue. The distinction between law that is based in Scripture and law that is generated by the rabbis is central to Christine Hayes's argument that the rabbis are more moderate than earlier Jews in their attitudes about Gentile impurity, an argument laid out in chapter 6 of *Gentile Impurities and Jewish Identities* (Oxford: Oxford University Press, 2002), 107–44. For the opposing view that the de-ʾoraita/de-rabanan distinction is merely academic, see David Kraemer, *Jewish Eating and Identity Through the Ages* (New York: Routledge, 2007), 179n.12.

36. My point that the Mishna's prohibition includes all wine belonging to Gentiles, irrespective of a connection to idolatry, is largely obscured in the printed version of the Mishna, due to censorship. While the printed version reads, "These things belonging to idolaters are prohibited," both the Parma and Kaufman manuscripts confirm that the uncensored Mishna—the one that the talmudic rabbis would have encountered—read, "These things belonging to non-Jews (*goyim*) are prohibited."

37. M. AZ 4:8, 5:1–2, 7–10.

38. B. AZ 30b–31a: "Rav ʾAssi said Rabbi Yoḥanan said in the name of Rabbi Yehuda Ben Betera: There are three kinds of wine: libation wine is prohibited for any kind of benefit, and an amount as small as an olive conveys severe impurity; the ordinary wine of Gentiles (*stam yeynan*) is prohibited for any kind of benefit, and an amount of a quarter [of a *log*] conveys the impurity of beverages; wine that has been left with a Gentile is prohibited from being drunk, but permitted for benefit."

39. The one practical distinction identified by the source cited in the note above relates to impurity and is thus merely theoretical in the talmudic period.

40. In halakhic terms, is the prohibition categorized as de-ʾoraita or derabbanan? As Barry Wimpfheimer has pointed out to me, this is terminology that is applied inconsistently within talmudic literature, and is only systematized in later halakhic literature. Though the terms do not appear in this context, I am arguing that the question of whether the prohibitions of Gentile wine are rooted in scriptural interdicts or in rabbinic enactments runs through the talmudic deliberations in this chapter.

41. M. AZ 2:3.

42. See m. AZ 4:8, 5:1–10.

43. For an intriguing account of how the biblical commandment to uproot idolatry becomes transposed by the Mishna into a commandment to avoid benefiting from idolatry, see Rosen-Zvi, "'You Shall Surely Destroy All the Places.'"

44. Folded into my analysis is the presumption that if the law is scripturally grounded, it relates to the scriptural prohibition on idolatry, while if it is a rabbinic enactment, its primary aim is to curtail relationships with non-Jews.

45. B. AZ 36a. The earliest source for the "eighteen things" tradition is m. Shabbat 1:4. For a survey and textual analysis of all the sources from the Mishna, Yerushalmi, and Bavli, see Avraham Goldberg, "The Eighteen Things of Beit Shammai and Beit Hillel" (Hebrew), in *Studies in Judaism Jubilee Volume Presented to David Kotlar*, ed. Alfredo Mordechai Rabello (Tel Aviv: Am Ha-Sefer, 1975), 216–25; and for a historical analysis, see Gunter Stemberger, "Hananiah ben Hezekiah Ben Garon, The Eighteen Decrees and the Outbreak of the War Against Rome," in *Flores Florentino: Dead Sea Scrolls and Other Early Jewish Studies in Honour of Florentino Garcia Martinez*, ed. Anthony Hilhorst et al. (Leiden: Brill, 2007), 691–703.

46. B. AZ 29b.

47. So prevalent is the formula that Jay Harris used it as a title for his book-length study of how Jewish thinkers through the ages have conceived of the relationship between scriptural exegesis and Jewish law. See Jay M. Harris, *How Do We Know This? Midrash and the Fragmentation of Modern Judaism* (Albany: State University of New York Press, 1995).

48. In around twenty different instances throughout the Bavli, the anonymous editorial voice raises an objection that the law under discussion is derabanan, and then clarifies that the verse that had been cited is not evidence of the law's de-ʾoraita status, but rather is an *ʾasmakhta be-ʿalma*, "merely a support." See for example Suka 28a, Ḥullin 17b, and AZ 37b. Harris engages the phenomenon of ʾasmakhta in *How Do We Know This?*, 48. For a fuller discussion of the prevalence of ʾasmakhtot among the Stammaim, see David Weiss Halivni, *Peshat and Derash: Plain and Applied Meaning in Rabbinic Exegesis* (New York: Oxford University Press, 1991), 13–19.

49. B. AZ 29b. The parentheses indicate a marginal note in ms. JTS Rab. 15:

אמ' רב נחמן אמ' רבה בר אבוה אמ' קרא אשר חלב זבחימו יאכלו ישתו יין נסיכם [מקיש לזבח] מה זבח אסור אף יין נמי אסור

In the Paris manuscript, the passage makes a more pointed analogy, specifying that wine and sacrifices are to be compared in that the law prohibits benefit in relation to both:

מקיש יין לזבח מה זבח אסור בהנאה אף יין נמי אסור בהנאה

50. As it turns out, the demonstration that idolatrous offerings are themselves scripturally banned is not as straightforward as it would seem; the editors are not satisfied with Rabba bar ʾAbuha's analogy between idolatrous offerings and libation and generate a chain of three additional verses to demonstrate that benefiting from such sacrifices is indeed scripturally prohibited (b. AZ 29b).

51. Tosafot encapsulates the problem far more succinctly than I have, identifying the precise ways the Bavli's opening comments muddle things up. See Tosafot on 29b: "This is astonishing! How can one even ask from where the prohibition is derived? Our Mishna clearly relates to Gentile wine

in general (stam yeynam), and this is an edict decreed by the rabbis because of their daughters!"

According to this comment, the problem with the Bavli's scriptural derivation is twofold: First, though the Mishna relates to Gentile wine in general (stam yeynam), the Bavli offers a derivation for the prohibition on libation wine (yeyn nesekh) in particular. Second, the exercise of identifying a scriptural derivation for the prohibition on stam yeynam makes no sense, since the Bavli itself will later identify this stricture as an edict of the rabbis, imposed for the sake of preventing romantic entanglements with Gentile women. To be sure, a proposal for resolving these difficulties follows quickly on the heels of the Tosafot's objections, and the commentator offers an explanation that effectively resolves the contradictions he identifies. But the cleverness of the commentator's resolution does not neutralize the force of the problems that he identifies in the Bavli, nor does it cancel out his initial astonished response.

52. Haym Soloveitchik, *Wine in Ashkenaz in the Middle Ages: Yeyn Nesekh—A Study in the History of Halakhah* (Hebrew) (Jerusalem: Zalman Shazar Center for Jewish History, 2008); on the halakhic background, see especially 133–68.

53. Among the key issues that remain indeterminate in the Bavli and among later jurists and that are resolved by Rashi are the following: 1. It is physical contact with a Gentile, not ownership, that determines wine's categorization as "stam yeynam" (ibid., 137–46). 2. Wine that Gentiles touch unintentionally is not rendered prohibited (ibid., 147–50). Soloveitchik explains that with these two central clarifications, and a range of other interpretive interventions, Rashi creates a coherent and comprehensible body of law that replaces the confusion of customs and unfounded strictures that governed Ashkenazic communities in earlier generations.

54. Schäfer, "Jews and Gentiles in Yerushalmi Avodah Zarah," 338.

55. B. AZ 30a.

56. The juxtaposition of the laws of teruma and the laws of yeyn nesekh calls to mind Zohar's argument, in which the importance ascribed to idolatrous wine libations is a projection of the centrality of wine in Jewish ritual.

57. Thus, according to m. AZ 5:5: "Open barrels [of wine] are prohibited; sealed ones [are prohibited] if there is enough time for him [a non-Jew] to open it, reseal it, and let the new seal dry."

58. This reflects ms. JTS Rab. 15. Other witnesses have R. Yishmaʿel b. Zerud. In ms. JTS Rab. 15, a marginal note adds "ben Zerud" here.

59. ʾAblet's non-Jewish identity can be extrapolated from the story, but the character is also known from other talmudic stories, for example in b. Shabbat 129a and 156b. (The latter is especially interesting, in our context, because it tells the story of a Jew who, by virtue of a good deed, escapes ʾAblet's astrological prediction that he is to be bitten by a snake.)

60. B. AZ 30a. Parentheses indicate marginal notes in ms. JTS Rab. 15. I have assigned numbers to the narratives so as to facilitate discussion about them.

61. As the sugya continues, these allegations confront the editors with a conundrum. If it is indeed the case that non-Jews are lax about protecting

their food and drink from snakes, how it is that non-Jews do not regularly fall victim to snake poison? One explanation that is attributed to Rav suggests that non-Jews have built up a resistance to venom through regular exposure to the creeping animals they eat; since Jews do not eat such animals, they remain more highly susceptible to venom (b. AZ 31b at the bottom). The explanation is striking not just for its cogent account of the science of immunity, but also because of its presumption that Jewish and non-Jewish bodies are constitutionally indistinguishable. Any difference between Jews and non-Jews must be explained as stemming from a difference in behavior, because for the Bavli there are no inherent inborn differences.

62. This association has been noted by David Kraemer, who characterizes it as metaphor: "Their wine—when not first boiled—is prohibited as though it had been poisoned by a snake. The wine—and even the water—of the gentile is deemed venomous. If the wine is venomous, then the gentile must be the source of the venom. The gentile is, by association, the snake." Kraemer, *Jewish Eating and Identity Through the Ages*, 70.

63. George Lakoff and Mark Johnson, *Metaphors We Live By* (Chicago: University of Chicago Press, 1980). See especially chap. 11, "The Partial Nature of Metaphorical Structuring," 52–55. Lakoff and Johnson use the terms "used" and "unused." For a more recent review of the scholarship, see Zoltan Kovecses, *Metaphor: A Practical Introduction* (Oxford: Oxford University Press, 2002), esp. chap. 7, "The Partial Nature of Metaphorical Mappings," 79–92. Kovecses uses the term "target" and "source" to refer to the two conceptual domains that are brought together in a metaphor. In our case, "snakes" are the source domain and "Gentiles" are the target domain. Other scholars of metaphor use the term "vehicle" to refer to the source domain, and "tenor" to refer to the target.

64. Wendy Doniger suggests that there is a confluence between certain animals' natural traits and their meanings within and across cultures: "And snakes, both because of their skin-sloughing, and because of their uncanny means of locomotion (an important classificatory factor), seem to convey ideas of rebirth (and of death; many snakes are poisonous), of shape-shifting, and of deception; moreover, their shape makes them both phallic and womb-like (when curled up into an ouroboros), hence, a natural symbol of androgyny and a common player in myths of sex-change." Wendy Doniger, "Bestiality," in *Humans and Other Animals*, ed. Arien Mack (Columbus: Ohio State University, Press, 1999), 359.

65. In the D. H. Lawrence poem "Snake," excerpted above, the speaker registers a similar mix of fascination, fear, attraction, and shame as he considers attacking the snake: "Was it cowardice, that I dared not kill him? Was it perversity, that I longed to talk to him? Was it humility, to feel so honoured? / I felt so honoured. / And yet those voices: / *If you were not afraid, you would kill him!*"

66. B. AZ 30b.

67. Kraemer reads the significance of the snake figuration in an almost opposite way, because he emphasizes a different aspect of snakes as sources of impurity. On page 70 he writes, "To describe the gentile as venomous or

snake-like is to reiterate, in only slightly different terms, that he is impure—or at least that he is this source of impurity."

68. An extended sugya on the halakhic implications of mixtures in which the prohibited substances may or may not be detected by taste or sight begins on b. AZ 67a.

69. Naeh, "*Tovim dodekha mi-yayin*," 419. This is Naeh's claim in any case. Though it is true that Rav Dimi does not explicitly parse the grammar of the verse in so particular a way as Naeh, Rav Dimi's interpretation suggests that he discerns the significance of assigning the verse to the human speaker. I do not think it takes away from the brilliance of Naeh's analysis to suggest that the talmudic rabbis might have thought of it first.

70. B. AZ 35a. The parentheses indicate marginal notes in ms. JTS Rab. 15.

71. The interpretation can be rendered like this:

"Lovers" > "wine"
"lovers" = Rabbis
"wine" = Scripture
Rabbis > Scripture

72. It is possible that Rav Dimi sees Rabbi Yehoshuʿa as conveying even more than this. He might be proposing that we read the word "wine" twice, preserving its literal meaning as the very substance under debate in the adjacent passages, alongside the new metaphorical equation of wine with Scripture. If this is so, Rabbi Yehoshuʿa would be indicating that the injunctions of the rabbis are more important than the scriptural prohibition regarding wine. According to this interpretation, Rabbi Yehoshuʿa directly addresses Rabbi Yishmaʿel's central problem and tells him that the prohibition on cheese is to be distinguished from the prohibition on wine; while wine is prohibited by Scripture, cheese is prohibited by the rabbis.

73. What I translate here as "snakebites" is in fact a technical term, *nikur* (ניקור), that originates in an adjacent context to the Mishna's discussion of giluy and refers to teeth marks in fruit. Thus, m. Terumot 8:6 reads: "Figs, grapes, cucumbers, gourds, melons and squash that have been gnawed—even if there is as much as a talent, whether large or small, whether picked or not picked—as long as there is moisture, it is prohibited. And that which is bitten by a snake is prohibited because of mortal danger."

74. B. AZ 35a. The parentheses indicate marginal notes in ms. JTS Rab. 15.

75. The erotic imagery of the Song of Songs is deployed in a nearly opposite way a little further along in the passage, when on AZ 35b the rabbinical student is compared to a flask of perfume whose aroma is diffused only when it is uncovered. Here, as above, rabbis are imagined as containers for the holy, but it is openness rather than closure that is celebrated.

76. The occasion on which the eighteen edicts were issued is described in m. Shabbat 1:4, but the decrees are not enumerated there. In the Yerushalmi, two baraitot convey distinct, if overlapping, lists in y. Shabbat 1:4 (3c). (Corresponding to y. Shabbat 1:7 (3c) in ms. Venice.) Our sugya on b. AZ 36b is

paralleled on b. Shabbat 17b, which also provides a partial list of the eighteen edicts. Stemberger and Goldberg both discuss these sources. See note 45 above.

77. Hayes dedicates a full chapter to this sugya. See Hayes, *Gentile Impurities*, 145–63. Steinfeld examines the development of these laws in a series of articles, including the above-cited "'*Devarim shel goyim*,'" and also in "*Ha-Gezerot ʿal tinok goy ve-ʿal benoteyhen le-daʿat Rav Naḥman bar Yitzḥak*," in *Bar-Ilan Annual XX–XXI: Studies in Judaica and the Humanities*, ed. Menahem Zvi Keddari et al. (Ramat Gan: Bar-Ilan University, 1983), 25–42, and "'*Gazru ʿal pitan mi-shum shmanam, ve-ʿal shmanam mi-shum yeynam*,'" *Sinai* 87.5–6 (Av-Elul 1980): 273–81.

78. B. AZ 36b.

79. M. Shabbat 1:4.

80. The question of whether the word is prospective or retrospective is raised explicitly in b. Shabbat 13b.

81. T. Shabbat 1:8.

82. Y. Shabbat 1:7, 3c–d, as translated by Jacob Neusner, *The Talmud of the Land of Israel*, vol. 11, *Shabbat* (Chicago: University of Chicago Press, 1991), 59.

83. Stemberger, "Hananiah ben Hezekiah Ben Garon," 695, 702.

84. This translation reflects ms. Vatican 127 and the print versions. Ms. Munich 95 has מקדש (sanctuary) rather than בית המדרש (house of study).

85. B. Shabbat 17a, ms. Vatican 127.

86. For a discussion of the culture of honor and shame among the Babylonian sages, see Jeffrey L. Rubenstein, *The Culture of the Babylonian Talmud* (Baltimore: Johns Hopkins University Press, 2003), 67–79.

87. My presentation of Graetz's theory relies on Stemberger, "Hananiah ben Hezekiah Ben Garon," 701–2. Bibliographic references both to Graetz's work and to later historians' development of his theory can be found there in notes 10 and 11.

88. The Yerushalmi and the Bavli offer a variety of traditions about which rules are included among the eighteen edicts. Some of these traditions foreground laws of Shabbat and purity, based on the original context of the Mishna's tradition, and others give prominence to rulings that segregate Jews from non-Jews. The prohibition on Gentile wine and other prohibitions on Gentile foodstuffs appear in a number of these traditions. For reviews of all these traditions, see Stemberger, "Hananiah ben Hezekiah Ben Garon."

89. This statement is not the first place that concern about Gentile women emerges in relation to food however. "For reason of marriages," *mi-shum ḥatanut* (משום חתנות), is proposed as the rationale for the rabbinic prohibition of Gentile bread on 35b. It is also the rationale provided for a prohibition of Gentiles' beer (שכר) on 31b.

90. B. AZ 36b.

91. On pages 31b and 35b, in relation to prohibitions on beer and bread, respectively.

92. My understanding of this part of the sugya is entirely indebted to Hayes's cogent analysis in *Gentile Impurities*, 145–63. Hayes's arguments in turn build on the text-critical work that Steinfeld presents in "'*Ha-Gezerot*'" (1983).

93. B. AZ 36b.

94. Hayes, *Gentile Impurities*, 148–49. Steinfeld,"'*Gazru*'" and "'*Ha-Gezerot*.'"

95. This translation reflects the text of ms. JTS Rab. 15 which reads

כולן משום ע"ז נגעו בהו

"נגעו" is a Hebrew word meaning "to touch," "to afflict," or "to have an interest in" that in Aramaic can also mean "to deal with." Mss. Paris and Munich and the print versions all read:

כולן משום ע"ז גזרו בהו

In English: "All of them were decreed on account of idolatry." This seems a much better reading.

96. Again, this translation reflects ms. JTS Rab 15, where this line begins אתא דכי and implies that Rav Yitzḥak's statement comes to support the preceding statement of Rav. In ms. Munich, the passage reads כי אתא rather than דכי אתא so that there is no implication that the two statements are linked. Steinfeld argues that ms. Munich provides a better reading; "'*Gazru*,'" 275.

97. B. AZ 36b.

98. Steinfeld argues that Rav Yitzḥak's original statement included only the first two lines, relating to bread and wine. In his view, the talmudic editor expands the statement, preserving the structure of the first two lines. See Steinfeld, "'*Gazru*,'" 276.

99. Hayes, *Gentile Impurities*, 147, and 269n.15.

100. Ibid., 269n.15.

101. This is how idolatry functions in Rav's statement, where it is the sole rationale for the prohibition on bread, oil, wine, and daughters.

102. B. AZ 36b.

103. Steinfeld offers a genealogical account rather than an explanation. He argues that the patterned structure of Rav Yitzḥak's original statement generated an expansion in later stages of the Talmud's development, and he traces difficulties in the sugya to later misreadings. For Steinfeld, then, it is not a problem that the Bavli breaks the rhetorical integrity of the Rav Yitzḥak tradition, because the tradition itself is not authentic. His focus is not on the final shape of the talmudic argument, but rather on establishing what the original halakhic positions of the Amoraim actually were. See Steinfeld, "'*Gazru*.'"

104. Rashi on b. AZ 36b:

ובנותיהן אסורין משום דבר אחר—עבודת אלילים.
ועל דבר אחר שלא הוזכר כאן גזרו משום דבר אחר—ולא משום עבודת אלילים לקמן מפרש לה.

105. The strongest point of divergence between his version and ours would disappear if the words that are bracketed here were represented as commentary rather than part of the lemma: "**And they decreed against another matter [that is not mentioned here] on account of another matter.** And not for the sake of idolatry as is explained ahead."

106. Note how Rashi thus brings Rav Yitzḥak's statement into conformity with the opinion attributed to Rav above, so that concern about idolatry becomes the underlying motive for all the prohibitions, according to both opinions.

107. Jill Robbins, "Kafka's Parables," *Midrash and Literature*, ed. Geoffrey H. Hartman and Sanford Budick (New Haven, CT: Yale University Press, 1986), 265–84.

108. From Sigmund Freud's *Jokes and Their Relation to the Unconscious*, trans. James Strachey (New York: Norton, 1963), as cited in Robbins, "Kafka's Parables," 266.

109. To be sure, the extent of the rabbis' power is a matter of debate. The Babylonian rabbis, like other Jews within the Sasanian empire, are a dominated minority group who must use what James C. Scott calls the "arts of resistance" to conceal their xenophobia from the imperial powers. At the same time, the rabbis identify as elites and as leaders within Jewish society. They are a powerful elite within a dominated political structure. Scott, *Domination and the Arts of Resistance* (New Haven, CT: Yale University Press, 1990).

110. Ibid., 56.

111. Soloveitchik chronicles the challenges medieval Jews faced in accommodating these laws. In contemporary times, the Conservative movement's Committee on Jewish Law and Standards voted to nullify the rabbinic prohibition on Gentile wine, reversing the principle of social segregation that it entails. The responsum authored by Elliot Dorff reads, "In keeping with our acceptance of the conditions of modernity, we in the Conservative movement would undoubtedly hold that, short of mixed marriage, Jews should have social and business contact with non-Jews." See Elliot Dorff, "The Use of All Wines" (1985), http://www.rabbinicalassembly.org/sites/default/files/public/halakhah/teshuvot/19861990/dorff_wines.pdf, accessed June 29, 2016.

CHAPTER 4

1. In recognition of this difficulty, J. N. Epstein describes m. AZ's chapter divisions as a "mistake" on the part of the Tannaim, pointing out that in the Tosefta, the materials on wine begin a new chapter. See J. N. Epstein, *Introduction to the Mishnaic Text* (Hebrew), vol. 2 (Jerusalem: Magnes Press, 2000), 994–95.

2. This idea is articulated by Richard Kalmin, *Jewish Babylonia Between Persia and Roman Palestine* (Oxford: Oxford University Press, 2006), 103–20. See also Rachel Neis, *The Sense of Sight in Rabbinic Culture: Jewish Ways of Seeing in Late Antiquity* (Cambridge: Cambridge University Press, 2013), 196–98, and Steven Fine, *Art and Judaism in the Roman World: Toward a New Jewish Archaeology* (Cambridge: Cambridge University Press, 2005), 124–35.

3. Jeffrey Jerome Cohen, ed., *Animal, Vegetable, Mineral: Ethics and Objects* (Washington, DC: Oliphaunt Books, 2012), 8.

4. Ibid., 7, italics his.

5. Ian Bogost, *Alien Phenomenology, or What It's Like to Be a Thing* (Minneapolis: University of Minnesota Press, 2012), 6.

6. Ibid., 73.

7. Jane Bennett, *Vibrant Matter: A Political Ecology of Things* (Durham, NC: Duke University Press, 2010). See esp. viii–ix and 119–22.

8. To illustrate her notion of "thing-power," Bennet offers as a case study the massive blackout that affected millions of people in North America in August 2003, and explains that all efforts to pin the blame on any one factor—human or otherwise—necessarily fall short. The blackout resulted from a complex cascade of failures, in which agency was distributed over a large and diverse assemblage of actants that included a brush fire, the nature of electricity, malfeasance at Enron and other corporations, consumer use, a federal policy of deregulation, and transmission wires. See ibid., 26.

9. Ibid., 38.

10. Ibid., 120.

11. Ibid., xvi.

12. Mira Balberg, *Purity, Body and Self in Early Rabbinic Literature* (Berkeley: University of California Press, 2014). Many thanks to the author for sharing her manuscript before its publication. Thanks, too, to Steve Weitzman for recognizing the relevance of Balberg's work to my project.

13. Balberg demonstrates how this principle obtains across diverse categories addressed by purity law, including the human body, inanimate objects, and different populations. For example, in the Mishna's catalog of what is an unlawful barrier on the body during immersion in a mikva, tangles are objectionable when they are in women's hair, but not in men's, a distinction that Balberg traces to the Mishna's engagement with subjectivity. Balberg dedicates a full chapter to exploring how this principle is expressed in relation to Gentiles, and she reads the general exclusion of Gentiles from the system of purity as a measure of non-Jewish deficiency in the eyes of the rabbis. Since, as we have seen, there is a debate about when, why, and to what degree Gentiles came to be considered impure, the discussion is complex and difficult. Ibid., 122–47.

14. Ibid., 74.

15. Ibid.

16. Ibid.

17. Ibid., 75.

18. Ibid.

19. Ibid., 77–78.

20. Thanks to Steve Weitzman for helping me to see this point.

21. See, for example, Exod. 20:2, Exod. 23:13, Deut. 6:14, among scores of other examples. Isaiah 37:19 might play on the double meaning of the word: "Their gods . . . are not gods/God, but man's handiwork of wood and stone."

22. For example, Exod. 15:11 can be read as an acknowledgment that there are other gods, though none as mighty as God.

23. See, for example, Isa. 44:6–21 and Ps. 115.

24. Moshe Halbertal and Avishai Margalit, *Idolatry*, trans. Naomi Goldblum (Cambridge, MA: Harvard University Press, 1992), 1.

25. The earliest attestation I could find is in the Epistle of Barnabas. See Perseus word frequency tool at www.perseus.tufts.edu.

26. Noam Zohar, "Foreign Worship and Its Annulment" (Hebrew), *Sidra* 17 (2001–2): 63–77.

27. One prevalent source of confusion is the widespread practice of using *ʿavodat kokhavim,* "worship of the stars," interchangeably with *ʿavoda zara* in print editions of both the Mishna and the Talmud. This convention introduces a regrettable anachronism into the talmudic text. For the rabbis, star worship is a sin of a different order than idol worship. Unlike idols, stars are not the work of human hands; moreover, for the rabbis, stars are not inanimate objects, but animate beings of considerable power that serve as part of the divine retinue along with the angels. In a baraita on b. AZ 42b, sacrifices dedicated to such beings are explicitly identified as instances of זבחי מתים—offerings to the dead. While this is a serious category of transgression, it is less grievous than *ʿavoda zara*. The distinction is lost, however, in print versions that assimilate star and constellation worship (*ʿavodat kokhavim u-mazalot*) into the category of *ʿavoda zara*.

28. For example, Isa. 2:18–22, Isa. 44:6–21, Jer. 10:1–16, Hab. 2:15–20.

29. Ps. 115 and 135, for example.

30. For example, the story of the Golden Calf in Exodus 32, and Elijah's showdown with the prophets of Baʿal in I Kings 18.

31. There is a rich scholarly discussion of the attenuation of Jewish interest in idols in the rabbinic period. See Kalmin, *Jewish Babylonia Between Persia and Roman Palestine*, 109, and his brief review of E. E. Urbach's and Saul Lieberman's discussions in the notes. For a more recent analysis, see Yair Furstenberg, "The Rabbinic View of Idolatry and the Roman Political Conception of Divinity," *Journal of Religion* 90.3 (July 2010): 335–66, esp. 335–44.

32. E. E. Urbach argues that the reason an idol manufactured by a Jew is prohibited only once it has been worshipped, while an idol made by a non-Jew is prohibited as soon as it is produced (m. AZ 4:4), is to allow Jews to participate in the idol market. See Urbach, "The Rabbinical Laws of Idolatry in the Second and Third Centuries in the Light of Archaeological and Historical Facts," in *Collected Writings in Jewish Studies*, ed. R. Brody and M. D. Herr (Jerusalem: Magnes Press, 1999), 151–93, esp. 175.

33. This point is made by Gerald Blidstein in "Nullification of Idolatry in Rabbinic Law," *Proceedings of the American Academy for Jewish Research* 41–42 (1972–73): 1–44.

34. Blidstein examines both these innovations, analyzing the mishnaic materials and their treatments in the Yerushalmi and the Bavli. He argues that in the rabbinic discussions of idolatry, human attitudes and intentions decide the status of the objects in question. That is, an idol is only an idol if a person thinks it is. This key insight dovetails with Balberg's presentation of a tannaitic view on the meaning of objects. My contribution is the contextualization of Blidstein's analysis of idol nullification within the broader conceptual framework of a distinctive tannaitic materialism.

35. There is considerable variation in the manuscripts regarding the patronym of Rabban Gamliʾel's interlocutor. This version appears to have been

shaped in light of the emergence of a storytelling convention whereby rabbis dialogue with philosophers. See b. AZ 54b for a story in which Rabban Gamliʾel converses with a philosopher. Under the influence of that story, the Bavli here addresses the Proclus character as "Mr. Philosopher." For a discussion of variants of this name, see Furstenberg, "The Rabbinic View of Idolatry," n. 46.

36. The "another thing" is likely not original to the story, but rather a coda or addendum that was appended by the editor of the Mishna. I nonetheless present it as part of the story because of the way it adopts the voice of Rabban Gamliʾel, inserting itself into the world of the story by addressing Proclus in the second person.

37. The story appears on b. AZ 44b.

38. Scholarly discussions of this story abound, including Seth Schwartz, "Gamaliel in Aphrodite's Bath: Palestinian Judaism and Urban Culture in the Third and Fourth Centuries," in *The Talmud Yerushalmi and Graeco-Roman Culture I*, ed. Peter Schäfer (Tübingen: Mohr Siebeck, 1998), 203–17; Yaron Z. Eliav, "Viewing the Sculptural Environment: Shaping the Second Commandment," in *The Talmud Yerushalmi and Graeco-Roman Culture III*, ed. Peter Schäfer (Tübingen: Mohr Siebeck, 2002), 412–33; Azzan Yadin, "Rabban Gamaliel, Aphrodite's Bath and the Question of Pagan Monotheism," *Jewish Quarterly Review* 96.2 (Spring 2006): 149–79; Furstenberg, "The Rabbinic View of Idolatry," 355–60.

39. See for example Fine, *Art and Judaism*, 111–13. See also Lee I. Levine, *The Ancient Synagogue: The First Thousand Years* (New Haven, CT: Yale University Press, 2005), 227–30.

40. The Mishna invokes the notion of ornamentation to similar effect in a very different context when it rules that sheets that are used decoratively are not susceptible to impurity. See m. Kelim 24:13. This, in any case, is how the mishna is interpreted by Balberg, *Purity, Body and Self*, 80. Rabbenu ʿOvadya of Bartenura understands these sheets not as decorative, but rather as patterns to guide the making of clothes.

41. A similar conception of public statuary as decorative rather than cultic is implicit in m. AZ 3:1, in which the majority of rabbis restrict the prohibition to those statues that entail certain conventional iconography. Yaron Z. Eliav connects these two mishnayot in "The Matrix of Ancient Judaism," *Prooftexts* 24.1 (Winter 2004): 125. Gerald Blidstein addresses the tendency of the law to allow for Jews to participate in public institutions in "R. Yoḥanan, Idolatry, and Public Privilege," *Journal for the Study of Judaism* 5.2 (January 1974): 154–62.

42. This mishna appears on b. AZ 47b.

43. For an argument that Rabban Gamliʾel's distinction between statues that are ornamental and those that are dedicated to worship corresponds to the Roman practice of ritually consecrating statues of gods and emperors, see Eliav, "The Matrix of Ancient Judaism," 125–26.

44. B. AZ 53a.

45. Eliav, "The Matrix of Ancient Judaism," 125–26.

46. Furstenberg, "The Rabbinic View of Idolatry," 344–60.

47. Blidstein, "Nullification of Idolatry in Rabbinic Law," 3.

48. Ibid.

49. Balberg, *Purity, Body and Self*, notes this point of connection on 209n.10, the only point at which she engages the confluence between the laws of Seder Taharot and of AZ.

50. Ibid., 78–81.

51. See, for example, m. Kelim 26:7, and the discussion in Balberg, *Purity, Body and Self*, 82–83.

52. M. AZ 3:7. This halakha goes on to apply the same three stages to a stone used as a platform for an idol and to an *'ashera*, a sacred tree.

53. Things get even more complicated because a baraita on b. AZ 51b indicates that the Mishna's ruling was a matter of dispute. According to the baraita, m. AZ 3:4 corresponds to Rabbi ʿAkiva's view, but Rabbi Yishmaʾel held the opposite opinion. According to Rabbi Yishmaʾel, the idols of Jews are prohibited from the outset, but those of non-Jews only come under a ban once they are worshipped. To my mind, Rabbi Yishmaʾel's view seems easy to understand, given that Scripture prohibits Jews not only from worshipping idols but also from making them. I see the view ascribed to Rabbi ʿAkiva and to the anonymous voice of the Mishna as being far less straightforward. Blidstein sees things differently, however, and points out the conceptual difficulties with Rabbi Yishmaʾel's position in "Nullification of Idolatry in Rabbinic Law," 15; for Blidstein's detailed investigation of Urbach's proposal that the Tannaim aim to accommodate Jewish economic interests by allowing Jews to engage in the idol trade, see 15–27.

54. For an investigation of how differences between Jews and non-Jews play out in the Mishna's laws of purity, see Balberg, *Purity, Body and Self*, 122–47. Her suggestion that the difference between Jews and non-Jews is reflective of the way the Mishna associates personhood and subjectivity with subjection to the law is instructive with regard to the laws of m. AZ.

55. See Mary Boyce, "Iconoclasm Among the Zoroastrians," *Christianity, Judaism, and Other Greco-Roman Cults: Studies for Morton Smith at Sixty,* pt. 4, ed. Jacob Neusner (Leiden: Brill, 1975), 93–111. For more recent discussions that support Boyce's conclusions, see the list of sources in Kalmin, *Jewish Babylonia Between Persia and Roman Palestine*, 223–24n.1.

56. Kalmin, *Jewish Babylonia Between Persia and Roman Palestine*, 103–4.

57. Steven Fine captures the scholarly consensus when he writes: "At the very heart of the Babylonian rabbinic community, an extremely liberal attitude toward making nonidolatrous art was well established. This difference is clearly related to the different visual environments in which Palestinian and Babylonian rabbis existed. In Babylonia, Sassanians did not worship human sculpture and there was no cult of the emperor. Jews there do not seem to have felt besieged by Persian idolatry in the same way that Palestinians did. . . . Whatever they thought of Persian worship, the response to idolatry was not an issue of mortal concern." Fine, *Art and Judaism in the Roman World*, 133. Rachel Neis makes a similar point when she notes that there is no evidence in the Bavli for the distinctive mode of "seeing awry"

that sages in Palestine developed to deal with the ubiquity of idols. See Neis, *The Sense of Sight in Rabbinic Culture*, esp. 196. For a related discussion of a general lack of concern about idols among rabbis, see Kalmin, *Jewish Babylonia Between Persia and Roman Palestine*, 109, and his notes.

58. B. AZ 41a. The word *tzlamim* (צלמים) is especially hard to translate. In the Bible, *tzelem* has a range of meanings. In Genesis, it is used in the sense of "figure" or "image," as in "in the image of God He created him" (Gen. 1:27). Elsewhere, it is used in the sense of "cult statue" or "idol," for example, "destroy all their molten idols" (Num. 33:52). In this context, the talmudic dialectic distinguishes between *tzlamim* and *ʿavoda zara*, a distinction that would be obscured if I translated *tzlamim* as "idols."

59. B. AZ 41a.

60. The question of whether the opinions of Shmuʾel and Resh Lakish are actually in accord is debated among the Rishonim. The question turns on how one interprets the difference between the circumstances their rulings address. Shmuʾel's opinion is offered in connection with "One who finds the broken pieces of an idol," while Rabbi Yoḥanan is dealing with "an idol that broke of its own accord." In Shmuʾel's case, the circumstances of the idol's demise are unknown—while it might have broken of its own accord, it might have been shattered during a process of nullification. For some, the wording of Rabbi Yoḥanan's statement indicates that there was certainly no nullification. For an explication of the ramifications of this difference, see Tosafot's comment on אמר שמואל.

61. B. AZ 41b.

62. Ibid. I attribute this exchange to the Stam because it is largely in Aramaic, unlike the Hebrew of the Amoraic tradition.

63. For the purposes of my argument, it suffices to summarize rather than recapitulate the ins and outs of the deliberations.

64. A related phenomenon is explicated in Christine Hayes's study of AZ, *Between the Babylonian and Palestinian Talmuds: Accounting for Halakhic Difference in Selected Sugyot from Tractate Avodah Zarah* (New York: Oxford University Press, 1997). Hayes argues against the regnant theory that differences in the rulings between the Bavli and the Yerushalmi are necessarily reflective of differences in the political and social realia of the two rabbinic civilizations and argues that in some cases, the divergence is a matter of differences in interpretation. I am suggesting that in this instance, a difference in argumentation reflects the distinctive cultural circumstances of the Bavli editors and their interest in engaging intellectual debates external to rabbinic tradition.

65. Alyssa Gray identifies this sugya as one of many that indicate that the editors of b. AZ had a version of the Yerushalmi at their disposal. See Alyssa M. Gray, *A Talmud in Exile: The Influence of Yerushalmi Avodah Zarah on the Formation of Bavli Avodah Zarah* (Providence: Brown Judaic Studies, 2005), 53–59. Gray characterizes the relationship between the Bavli and Yerushalmi in this instance as an example where "b. Avodah Zarah builds a complex sugya using some materials marked as relevant by the Y. Avodah Zarah redactors" (53). Note that Gray's analysis of the Bavli differs

from mine in that she interprets the Bavli as reading the Mishna's mention of "images" in 3:2 as inclusive of idols. As Gray observes, while the dispute between Resh Lakish and Rabbi Yoḥanan is mentioned in four separate contexts within this chapter of the Yerushalmi, within the Bavli these disparate conversations have been orchestrated into a larger, more complex dialectical exchange.

66. Rabbi Shimon Ben Lakish is the full name of Resh Lakish.

67. Y. AZ 3:2 (42d), ms. Leiden.

68. Leib Moscovitz, *Talmudic Reasoning: From Casuistics to Conceptualization* (Tübingen: Mohr Siebeck, 2002).

69. In Byzantium, some pagan statues and monuments were repurposed in Christian holy spaces, while others dotted the landscape as spolia. For a discussion, see Helen Saradi, "The Use of Ancient Spolia in Byzantine Monuments: The Archaeological and Literary Evidence," *International Journal of the Classical Tradition* 3.4 (Spring 1997): 395–423.

70. For a historical assessment of these events and a fascinating review of their treatment in modern scholarship, see Joel Walker, "The Limits of Late Antiquity: Philosophy Between Rome and Iran," *Ancient World* 33.1 (2002): 56–67.

71. Adam Becker's *Fear of God and the Beginning of Wisdom: The School of Nisibis and Christian Scholastic Culture in Late Antique Mesopotamia* (Philadelphia: University of Pennsylvania Press, 2006) examines the School of Nisibis in the context both of eastern Christianity and of late antique Mesopotamia.

72. Becker investigates possible routes for the influx of Neoplatonic texts into Nisibis and traces lines of connection linking scholarship in Nisibis to the school of Alexandria; ibid., 127–30.

73. Kalmin sets out his characterization of the rabbis' inward focus in his introduction to *Jewish Babylonia Between Persia and Roman Palestine*, 8–9, and refers back to it throughout the work. His argument draws on studies of Nisibis's inner-directed scholastic culture by Adam Becker and Isaiah Gafni. But while Gafni, as he himself notes, identifies the Christian school's monastic quality as a difference between Christian and rabbinic scholasticism, Kalmin emphasizes resemblances. See Kalmin, *Jewish Babylonia Between Persia and Roman Palestine*, 189nn.6–7. See also Isaiah Gafni, "Ḥiburim nestorianim ke-makor le-toldot yeshivot bavel," *Tarbiz* 51.4 (1981–82): 567–76.

74. Richard Kalmin, *Migrating Tales: The Talmud's Narratives and Their Historical Context* (Berkeley: University of California Press, 2014).

75. Foremost among this new turn in rabbinics scholarship is Shai Secunda, *The Iranian Talmud: Reading the Bavli in Its Sasanian Context* (Philadelphia: University of Pennsylvania Press, 2014). Secunda reviews the significant advances that have been made in connecting the Bavli to its Persian context on pages 10–14, and then proceeds to investigate the evidence for interaction between the rabbis and Zoroastrians and between their respective textual traditions. Of special interest is his proposal that the rabbis engaged in disputations with Zoroastrian priests at the mysterious

institution that the Bavli refers to as the *bey ʾabeydan*; see 51–58. Such disputations would prove a remarkable parallel with the kind of intellectual exchanges between Zoroastrians and pagan philosophers that Joel Walker locates in the Sasanian court at Ctesiphon. With regard to literary influences linking Syriac Christian writings and the Bavli, see Michal Bar-Asher Siegal, *Early Christian Monastic Literature and the Babylonian Talmud* (Cambridge: Cambridge University Press, 2013). Adam Becker's comparisons between the Syriac Christian schools and the Babylonian yeshivot are tantalizing and await further development. See Becker, *Fear of God and the Beginning of Wisdom*, 5. Among this group, Richard Kalmin is the most guarded in his appraisal of cultural similarities between Babylonian rabbis and their neighbors. He points out that in some instances, cultural elements that are common to Jews and Christians in Mesopotamia have migrated to both communities from the Roman east, and thus cannot be seen as evidence of interaction; in other instances, common behaviors might result from similar political circumstances and a common value of Scripture. See Kalmin, *Migrating Tales*, 2–11.

76. Richard Sorabji provides an overview of the question and of the relevant classical and late antique sources in *Self: Ancient and Modern Insights About Individuality, Life, and Death* (Oxford: Clarendon Press, 2006), 57–63.

77. Plutarch, *Life of Theseus,* chap. 23, as cited in Sorabji, *Self*, 63.

78. Sorabji, *Self*, provides the specific citations on 62 in the notes.

79. This is not the same Proclus that Rabban Gamliʾel encounters in the Mishna, but the prolific pagan Neoplatonist who led the Academy in Athens in the fifth century.

80. Sorabji, *Self*, 62. Philoponus's use of the figure of statues in addressing the problem is a further tantalizing hint that the Bavli might be drawing on a shared bank of arguments. Using statues as a figure for the problem of the persistence of identity has a long history. For a relatively recent example of such an argument, see Brian Smart, "The Statues and a Problem of Identity," *Ratio* 17.2 (December 1975): 229–36.

81. For lines of connection between Alexandria and Nisibis, see Becker, *Fear of God and the Beginning of Wisdom*, 128. For Philoponus's importance to the Syriac church, and his contributions to the controversies regarding the substance and personhood of Christ, see Uwe Michael Lang, *John Philoponus and the Controversies over Chalcedon in the Sixth Century* (Leuven: Peeters, 2001). Scholarship on Philoponus is divided on the question of how his philosophic work relates to his Christian theology. Certainly, his insistence on the perishability of matter dovetails with his commitment to scriptural notions of creation, but in his work on Proclus, he utilizes purely philosophical arguments. While Christian interest in interrogating the relationships between parts and wholes, matter and form, and the nature of materiality relates to theological debates about the nature of Christ, this concern is never explicit in Philoponus's philosophic works. For a review of the scholarship, see Michael Share's introduction to Philoponus, *Against Proclus's "On the*

Eternity of the World 1–5," trans. Michael Share (Ithaca, NY: Cornell University Press, 2005), 1–9.

82. Walker, "The Limits of Late Antiquity," 45–46. See also his discussion of the historiography of this incident, 56–67.

83. B. AZ 46b.

84. B. AZ 47a.

85. For a sobering assessment of the difficulties in establishing specific textual connections between the rabbinic and Syriac Christian scholarly cultures, see Adam Becker, "Positing a 'Cultural Relationship' Between Plato and the Babylonian Talmud," *Jewish Quarterly Review,* 101.2 (Spring 2011): 255–69. But see also his essay "The Comparative Study of 'Scholasticism' in Late Antique Mesopotamia: Rabbis and East Syrians," *AJS Review* 34.1 (April 2010): 91–113, where he promotes a model of "symbiosis" or cultural interaction as an alternative to both "influence" and "Zeitgeist."

86. M. AZ 3:3, appearing on b. AZ 42b. In the talmudic manuscripts, the statement is abridged. I reproduce the fuller version as it appears in the early print so as to provide a context for the discussion that follows in the Bavli.

87. B. AZ 42b.

88. Ibid.

89. Ibid.

90. M. Rosh Hashana 2:8 appears on b. Rosh Hashana 24a, and is cited on b. AZ 43a. This translation follows the version on b. AZ 43a, ms. JTS Rab. 15, and varies only slightly from other versions.

91. B. AZ 43a.

92. Mekhilta Ba-ḥodesh 10, ed. Horovitz-Rabin, 239. The talmudic version of the tradition in b. AZ diverges from the Mekhilta in just one respect. While the Mekhilta reads, "Don't make a likeness" (לא תעשון דמות), the Bavli reads, "Do not make [anything] resembling a likeness" (לא תעשון כדמות). (The Pesaro print reads בדמות, however, as does ms. Paris, and most of the manuscripts of b. Rosh Hashana.) B. AZ thus accentuates the element of similarity that is already implicit in the word דמות itself, as it is in the English "likeness." The addition of the comparative כ reflects the thematics of the Bavli sugya, which interrogates similarity/difference as an element of representation. Unlike the earlier rabbinic sources, the Bavli has a theory of representation as mimesis, i.e., based on similarity.

93. B. AZ 43a.

94. Compare ʾAbaye's statement to the Borges story "On Exactitude in Science," in which a map of the empire is so precise that it boasts a 1:1 correlation with the territory. Jorge Luis Borges, *Collected Fictions*, trans. Andrew Hurley (New York: Penguin Putnam, 1998), 325.

95. B. AZ 43a.

96. The distinction offers an interesting contrast to a distinction that Plato makes in the Sophist 235B–236D, between the art of "likeness" and the art of "appearance." Plato distinguishes between artists who aim to make faithful copies of their originals and artists who modify the dimensions of their statues to accommodate the viewer's perspective. Plato valorizes the artist who chooses accuracy over appearances, while the baraita prohibits

the pursuit of such accuracy, but both views share a common disdain for certain kinds of copies as counterfeit. *Plato's Sophist,* trans. William S. Cobb (Lanham, MD: Rowman and Littlefield, 1990), 63–65.

97. I am indebted to Steven Fine for this incisive overview of the sugya's structure. See Fine, *Art and Judaism in the Roman World*, 32.

98. Fine writes, "This *sugya* suggests that at the very heart of the Babylonian rabbinic community, an extremely liberal attitude toward making nonidolatrous art was well established." Ibid., 133.

99. Ibid., 70.

100. Other important works include Kalman P. Bland, *The Artless Jew: Medieval and Modern Affirmations and Denials of the Visual* (Princeton, NJ: Princeton University Press, 2000); Margaret Olin, *A Nation Without Art* (Lincoln: University of Nebraska Press, 2001); and, more recently, Neis, *The Sense of Sight in Rabbinic Culture*.

101. For a review of the treatment of Jewish attitudes about art in the standard art history textbooks, see Fine, *Art and Judaism in the Roman World*, 47–52.

102. This does not mean that the Tannaim ignored the scriptural prohibition altogether: both the Mekhilta of Rabbi Yishmaʿel and the Mekhilta of Rabbi Shimon bar Yoḥai address Exod. 20:4 in the context of their running commentaries on Exodus. See Mekhilta Ba-ḥodesh 6.

103. A full investigation of the reason why the prohibition on image making is so often identified as a Jewish preoccupation despite the virtual silence of Jewish sources is beyond the scope of this project, but the question is interesting to consider nonetheless. I suspect the view traces back to Christian sources, which depict Jews as staunchly opposed to images both before and after icons are embraced in Christian practice. For example, Origen identifies an aversion to images as something that Jews and Christians hold in common: "Christians and Jews are led to avoid temples and altars and images by the command: . . . 'You shall not make a carved image for yourself nor the likeness of anything in the heavens above, or on the earth below, or in the waters under the earth . . . 'And not only do they avoid (such worship), but when necessary they readily come to the point of death to avoid defiling their conception of the God of the universe by any act of this kind contrary to his law." (Origen, *Against Celsus* VII. 64, as cited in Jaroslav Pelikán, *Imago Dei* [Princeton, NJ: Princeton University Press, 2011].) Later Christian writings decry the Jewish rejection of images. See, for example, excerpts from Leontios of Neapolis's fifth discourse against the Jews, a seventh-century text discussed in Charles Barber, *Figure and Likeness: On the Limits of Representation in Byzantine Iconoclasm* (Princeton, NJ: Princeton University Press, 2002), 17.

104. There is a vast literature on this topic. For an accessible historical survey and additional bibliography, see Leslie Brubaker, *Inventing Byzantine Iconoclasm* (London: Bristol Classical Press, 2012).

105. Jaś Elsner, "Iconoclasm as Discourse: From Antiquity to Byzantium," *Art Bulletin* 94.3 (September 2012), 368–94.

106. Ibid., 370. Emphasis his.

107. In the Byzantine iconoclastic debates, arguments in favor of icon veneration emphasize the incarnation of Christ, and the fact that Jesus for a time was visible in a material state becomes the justification for material representations of his form. These questions of representation and presence are by no means limited to Christians, however. For a survey and synthesis of classical and Neoplatonic discussions of representation that lay behind the Byzantine debates, see part 1 of Moshe Barasch, *Icon: Studies in the History of an Idea* (New York: New York University Press, 1992), 11–94. For a theology of icons, see Brubaker's summary in *Inventing Byzantine Iconoclasm*, 109–12, and Barber, *Figure and Likeness*, esp. 122–23.

108. Though these issues are not explicitly addressed in Jewish sources, let alone articulated in such conceptual terms, it seems to me that the tacit understanding that underlies the biblical prophets' mockery of idol worship and perhaps the prohibition on image making as well is that material representations are self-evidently devoid of real presence.

109. See m. AZ 3:5: "And why is an ʾashera prohibited? Because it bears the grasp of human hands, and all that bears the grasp of human hands is prohibited."

110. Though the Bavli's emphasis on the difference between an image and its prototype is put to much different ends than the representational theory that emerges in Byzantine Christianity, there are interesting comparisons to be made between the view ʾAbaye represents and the account that Byzantine Christians develop in distinguishing icons from idols. As Charles Barber explains, emphasizing the difference between an icon and its prototype is central to the Christian iconophiles' arguments for the legitimacy of icons:

> The iconoclasts had argued that an icon was a false image because of its manufactured status. . . . The iconophiles were to reject this argument, claiming instead that the icon was able to be a truthful medium for the knowledge of the holy *because of* this manufactured status. Indeed it is the fact of being made that was a necessary condition for the fundamental distinction between the art object and the subject of its representation. . . . There can be no essential repetition of the archetype in the icon because icon and archetype are essentially different. This is the crucial first step in the construction of an understanding of the icon as something distinct from the thing it shows, thus beginning the process of defining how the icon is modeled after, but not be confused with, someone.

Barber, *Figure and Likeness*, 115–16.

111. Though in this story, the Hebrew *batel* בטל is not used in the technical sense of "nullify," but rather as a synonym for *ʾabed* אבד, meaning "destroy," I nonetheless translate *batel* as "nullify" so as to bring out the verbal connection with the legal discussions of idol nullification that precede the story. For discussion of the conjunction of these two senses of the word and other comments on this story, see Blidstein, "Nullification," 3; Zohar, "Foreign Worship and Its Annulment," 70–72; and Furstenberg, "The Rabbinic View of Idolatry," 361–64.

112. B. AZ 54b. The parentheses indicate a marginal note in ms. JTS Rab. 15.

113. Furstenberg, "The Rabbinic View of Idolatry," treats both these stories, drawing connections between them and Roman practice, 355–64. For discussions of the Rabban Gamliʾel story, see Neis, *A Sense of Sight,* 196–98; Fine, *Art and Judaism,* 111–13; and Yadin, "Rabban Gamaliel, Aphrodite's Bath."

114. Earlier scholarship focused on establishing the historicity of the account. See in this regard Avraham Wasserstein, "Rabban Gamliel and Proclus of Naukratis," *Zion* 45 (1980): 257–67. The Rabban Gamliʾel of our story is widely presumed to be Rabban Gamliʾel II, for reasons outlined by Wasserstein. As Yadin points out, however, the story must be seen as a reflection of the time of its composition rather than a report about Rabban Gamliʾel's milieu, and the story cannot be decisively dated. See Yadin, "Rabban Gamaliel, Aphrodite's Bath," 151, 161.

115. For a reading of dialogue stories that emphasizes the dialogical nature of these exchanges rather than their polemics, see Jenny R. Labendz, *Socratic Torah: Non-Jews in Rabbinic Intellectual Culture* (Oxford: Oxford University Press, 2013). Labendz treats dialogue stories as a subgenre, and argues that the stories reflect an openness to engage non-Jews on the part of the Palestinian sages. In what follows, I make a similar claim for a small number of these stories in the particular setting in which they appear in b. AZ.

116. Yadin, "Rabban Gamaliel, Aphrodite's Bath," 162n.33.

117. In order, the Amoraim who appear in the sugya on 44b are Rav Ḥama bar Yosef in the name of Rabbi ʾOshʿaya; ʾAbaye; Rav Shimi bar Ḥiya; and Rabba bar ʿUlla.

118. For examples of stories that participate in this narrative convention, see Lev. Rab., Vayikra 4; Exod. Rab., Yitro 29; Num. Rab., Naso 9 and Ḥukat 19; and Pesikta Rabbati, Parah 14.

119. Genesis Rab., Bereshit 8, ed. Theodor-Albeck, 62–63.

120. Y. AZ 3:4 42d, ms. Leiden.

121. The names are spelled a bit differently in the Bavli because of dialectal differences, but these are clearly the same figures—and a version of the same tradition—as those mentioned in the Yerushalmi. Note, however, that while the Yerushalmi version characterizes Rabban Gamliʾel's response as "deflective" (תשובת הפלג), in the Bavli version, it is "deceitful" (תשובה גנובה).

122. B. AZ 44b, ms. Paris 1337. I rely on this manuscript because there is a long ellipsis in ms. JTS Rab. 15, with a missing line written in the margin that is hard to make out.

123. Rashi addresses this problem and smooths over the textual difficulties by inserting his own scare quotes into the statement attributed to Rav Ḥama. According to Rashi, the passage should be rendered likes this: "Rav Ḥama bar Yosef said: 'Rabbi ʾOshʿaya said, "It was a deceitful response that Rabban Gamliʾel offered that official." But I say that it was not deceitful.'" According to Rashi, Rav Ḥama attributes just the initial statement to ʾOshʿaya and then appends his own independent judgment to ʾOshʿaya's statement. While this is a clever solution, it disregards the standard way rabbinic attributions are made throughout the Bavli. The language that introduces Rav Ḥama's statement is technical terminology that corresponds to quotation marks.

124. At the end of that sugya on 43b, there are three separate proposals as to why Rabban Gamli'el's diagrams were permissible: (1) Since he was a public figure, there would never have been an opportunity for him to use the images as an object of worship; (2) Because his chart was broken up into parts, the ban did not apply; and (3) Since the chart was for educational purposes, it was permitted. The fact that these three alternatives are all proposed suggests that the editors did not find any one of them sufficiently persuasive on its own.

125. For an extended discussion of all these stories, see Kalmin, *Jewish Babylonia,* 108–16. While I find his analyses of the stories and their interrelationship to be insightful and persuasive, I employ this material in an argument that is nearly opposite to his thesis. He reads the passage as evidence of the Bavli's inward focus, whereas I read it as part of the editors' programmatic efforts to establish a tradition of intercultural intellectual exchange.

126. B. AZ 55a.

127. As one should expect from a work built on dialectic, not every element within this section of the Bavli accords with the general picture of magnanimous intellectual exchange that I have laid out. The final narrative in the string of dialogue stories that closes this section (b. AZ 55a) departs from much of the preceding material in that it conveys animus toward non-Jews, depicting them not as rational interlocutors but as brutes who engage in human sacrifice. For further discussion of this story and how it relates to the stories that precede it, see Kalmin, *Jewish Babylonia,* 108–16.

CHAPTER 5

The epigraph to this chapter is from Charles Baudlelaire, "Of the Essence of Laughter, and Generally of the Comic in the Plastic Arts," in *Baudelaire: Selected Writings on Art and Artists*, trans. P. E. Charvet (Cambridge: Cambridge University Press, 1972), 148.

1. Jeffrey L. Rubenstein, *The Culture of the Babylonian Talmud* (Baltimore: Johns Hopkins University Press, 2003), 123–42.

2. Yair Furstenberg, "*Am Ha-Aretz* in Tannaitic Literature and Its Social Contexts" (Hebrew), *Zion* 78.3 (2013): 287–319.

3. Ibid., 293 and 309. For scholarship on the meanings for these terms, see the bibliographic references on 309n.84.

4. See for example Ezra 9:1 and 9:11 and Neh. 10:29–32.

5. Furstenberg, "*Am Ha-Aretz* in Tannaitic Literature," 294.

6. Ibid., 295–98. Furstenberg initially identifies the sectarian community of Qumran as a mediating link between Ezra/Nehemiah and the Tannaim, in that sectarian works such as *The Rule of the Community* emphasize purity when they relate to both non-Jews and to Jews who remain outside the community as impure. Later, however, he identifies the early Tannaim's sectarianism specifically with the Pharisees, in that both apply standards of purity associated with sacrificial law to the preparation and consumption of ordinary food.

7. T. AZ 3:10, ed. Zuckermandel, 364.

8. Furstenberg, "*Am Ha-Aretz* in Tannaitic Literature," 311–14.

9. Ibid., 290.

10. Rubenstein, *The Culture of the Babylonian Talmud*, 125. In support of his argument that the tradition is invented by Babylonian Amoraim, Rubenstein points out that the baraita is commented upon by Babylonian Amoraim within the sugya. The phenomenon of "fictitious" baraitot, and the related question of the reliability of the Bavli's attributions are areas of debate within rabbinics scholarship. For a range of opinions on these issues, see Rubenstein, *The Culture of the Babylonian Talmud*, 10–11; Louis Jacobs, "Are There Fictitious Baraitot in the Babylonian Talmud?" *HUCA* 42 (1971): 185–96; and Yaakov Elman, "How Should a Talmudic Intellectual History Be Written? A Response to David Kraemer's 'Responses,'" *Jewish Quarterly Review* 89.3/4 (January–April 1999): 361–86.

11. B. Berakhot 47b, ms. Munich 95. My translation follows Rubenstein, *The Culture of the Babylonian Talmud*, 124–25, with slight emendations.

12. Rubenstein, *The Culture of the Babylonian Talmud,* 125.

13. This is Rubenstein's translation of a passage from b. Pesaḥim 49b. See ibid., 126. Rubenstein does not include the introductory formula, "Our rabbis taught." Rubenstein's attribution of the final line to the belated interventions of anonymous editors is based on the critical analysis laid out by Stephen G. Wald in *BT Pesahim III: Critical Edition with Comprehensive Commentary* (New York: Jewish Theological Seminary, 2000), 221–31.

14. Wald, *BT Pesahim III*, 230.

15. Ibid., 212–39; see esp. 231–33.

16. Rubenstein, *The Culture of the Babylonian Talmud*, 141–42.

17. As Rubenstein, ibid., notes on 129, later in b. Pesaḥim 49b, the Bavli makes an explicit comparison between the ʿam ha-ʾaretz and the non-Jew: "Greater is the hatred with which the ʿamey ha-ʾaretz hate the sages than the hatred with which the nations of the world hate the Jews." Commenting on this line, Rubenstein writes, "The comparison of the hatred between sages and *amei haʾarets* with the hostility between Jews and idolators almost makes this analogy explicit: sages vis-à-vis *amei haʾarets* = Jews vis-à-vis gentiles = humans vis-à-vis animals" (131). In fact, as Rubenstein goes on to note, the violence of the Bavli's rhetoric in relation to *ʿamey ha-ʾaretz* in b. Pesaḥim 49b exceeds AZ's most extreme expressions of malice and revulsion toward non-Jews. See also the discussion in Wald, *BT Pesahim III*, 236–37.

18. This passage corresponds to m. AZ 4:9, and it appears right after m. AZ shifts from the topic of idolatry to the topic of Gentile wine in m. AZ 4:8. The mishna appears in b. AZ on 55a–b. The continuation of this mishna expresses a parallel ruling for the preparation of bread: one may not directly aid a Jewish baker who prepares bread in a state of impurity, but one may take part in transporting his loaves.

19. B. AZ 59a. The story also appears on b. Yevamot 46a.

20. This debate unfolds on b. Yevamot 45a, where Rabbi Yoḥanan is identified as one who holds the stringent position that the child of a Jewish woman and a non-Jewish man is a *mamzer*, the illegitimate child of a

forbidden union. His opinion is cited in the gloss that directly follows our narrative on b. AZ 59a.

21. This second issue is debated by tannaitic authorities in a baraita that appears on b. Yevamot 46a. According to the gloss on our story that appears in b. AZ 59a, Rabbi Yoḥanan maintains the stricter position in this debate as well. For analysis and discussion of the sources on b. Yevamot 46a, see Avi Sagi and Zvi Zohar, *Transforming Identity: The Ritual Transition from Gentile to Jew—Structure and Meaning* (London: Continuum, 2007), 116–31, esp. 117–19.

22. On 58b and 59a, this rationale is encapsulated by the rabbinic aphorism "Betake yourself away, we say to the Nazirite, turn away, turn away, and do not come near the vineyard." Like the Nazirite, who is not expressly prohibited from entering a vineyard but only from eating its fruit, a Jew is not scripturally prohibited from drinking a Gentile's mixed wine, but only from drinking wine that is undiluted. Rabbi Yoḥanan, however, creates a rabbinic fence around the scriptural prohibition, investing the aphorism's wise counsel with the force of law.

23. B. AZ 59a.

24. The first sugya that pursues this line of reasoning is on b. AZ 69a. It begins when the Gemara seeks to define the phrase בחזקת המשתמר or "presumed to have been watched," which appears in m. AZ 5:3. While the mishna deals with a non-Jew who is transporting wine, the Gemara's effort to explain the phrase is based on an analogy to ʿam ha-ʾaretz donkey drivers transporting produce that is pure. The second sugya is on 70b, presented below. The third sugya is on 75a, and compares the provisions that must be made to rid a winepress of the taint of yeyn nesekh to the procedures for purifying a winepress that has been touched by an ʿam ha-ʾaretz.

25. From b. AZ 70b. The parentheses indicate notes in the margins of ms. JTS Rab. 15.

26. This point is central to both Christine Hayes's and Jonathan Klawans's works in distinguishing the category of ritual impurity from the rhetoric of moral impurity. See Hayes, *Gentile Impurities and Jewish Identities: Intermarriage and Conversion from the Bible to the Talmud* (New York: Oxford University Press, 2002), and Klawans, *Impurity and Sin in Ancient Judaism* (Oxford: Oxford University Press, 2000).

27. The last clause of m. AZ 5:12 is treated on b. AZ 76b.

28. B. AZ 76b.

29. Geoffrey Herman proposes that "Shapur" functions as a "typological name" that can be applied to any Sasanian ruler in his discussion of this story in *A Prince Without a Kingdom: The Exilarch in the Sasanian Era* (Tübingen: Mohr Siebeck, 2012), 308–9. Jason Mokhtarian further develops this point in the context of his larger argument that Shapur serves as an icon of power for both the rabbinic community of Babylonia and for their fellow Sasanian subjects. See "Empire and Authority in Sasanian Babylonia: The Rabbis and King Shapur in Dialogue," *Jewish Studies Quarterly* 19.2 (2012): 148–80, esp. 150 and his reading of this story beginning on 176.

30. While Sherira Gaon's epistle lists Mar Yehuda as an exilarch, Herman argues persuasively that this claim is based on extrapolations that Sherira makes from our story: the title "Mar" and the character's presence in the king's court both bespeak the station of the exilarchate. See Herman, *A Prince Without a Kingdom*, 308–9.

31. Bati is a character who appears elsewhere in the Bavli. In a passage in b. Kidushin 70b that records the names of Jews of questionable parentage, Bati is identified as a former slave who arrogantly refused to accept his deed of emancipation. Here, however, this infamous character is disparaged on different grounds.

32. Sigmund Freud famously calls attention to this aspect of joking. Emphasizing the pleasure of psychic liberation that comes from joking about sex and aggression, he argues that "in the case of a tendentious joke, we are not able by our feelings to determine which part of our pleasure derives from its technique, and which from its standpoint. Thus, strictly speaking, we do not know what we are laughing at." Sigmund Freud, *Jokes and Their Relation to the Unconscious,* trans. James Strachey (New York: Norton, 1963), 102.

33. Susan Purdie, *Comedy: The Mastery of Discourse* (New York: Harvester Wheatsheaf, 1993), 6.

34. Among the thinkers that Purdie puts in this camp are Plato, Sidney, Hobbes, and Bergson. Ibid., 9n.3.

35. This camp includes Beattie, Kant, Schopenhauer, Emerson, Arthur Koestler, and Jonathan Miller. Ibid.

36. Ibid., 5.

37. Moulie Vidas, *Tradition and the Formation of the Talmud* (Princeton, NJ: Princeton University Press, 2014), 9–11.

38. Jeffrey L. Rubenstein, "Criteria of Stammaitic Intervention in Aggada," in *Creation and Composition: The Contribution of the Bavli Redactors to the Aggada,* ed. Jeffrey Rubenstein (Tübingen: Mohr Siebeck, 2005), 417–40. It should be noted that Richard Kalmin challenges Rubenstein on precisely this point, arguing that the prosaic and commentarial character of the Stam's interventions in halakhic materials do not bespeak the requisite creativity or imagination to invent gripping stories. Richard Kalmin, "The Formation and Character of the Babylonian Talmud," in *The Cambridge History of Judaism,* vol. 4, *The Late Roman-Rabbinic Period,* ed. Steven T. Katz (Cambridge: Cambridge University Press, 2006), 845. Barry Wimpfheimer directly addresses Richard Kalmin's critique in *Narrating the Law* (Philadelphia: University of Pennsylvania Press, 2011), 148–60, as does Daniel Boyarin in *Socrates and the Fat Rabbis,* (Chicago: University of Chicago Press, 2009), 194–95.

39. Boyarin, *Socrates and the Fat Rabbis*, 201–6. Boyarin's discussion helpfully distinguishes between the search for (or construction of) the actual, historical groups behind this authorial activity, and the literary function of implied authorship. My interest is in the literary function of authorship rather than in the identification of actual authors.

40. See Kalmin, "The Formation and Character of the Babylonian Talmud," and also his *Migrating Tales: The Talmud's Narrative and Their Historical Context* (Berkeley: University of California Press, 2014), 15–16.

41. Elliot R. Wolfson, "Structure, Innovation and Diremptive Temporality: The Use of Models to Study Continuity and Discontinuity in Kabbalistic Tradition," *Journal for the Study of Religions and Ideologies,* special issue, *Reading Idel's Works Today* 6.18 (2007): 143–67. Boyarin cites the passage and applies it to the Talmud in *Socrates and the Fat Rabbis*, 206.

42. Michael Wood, "A World Without Literature?" *Daedalus* 138.1, *Reflecting on the Humanities* (Winter 2009): 62.

43. Ibid. See also Martha Nussbaum, *Not for Profit: Why Democracy Needs the Humanities* (Princeton, NJ: Princeton University Press, 2010); and Geoffrey Galt Harpham, *The Humanities and the Dream of America* (Chicago: University of Chicago Press, 2011).

This page intentionally left blank

INDEX

ʾAbaye (Babylonian Amora): on *ʿam ha-ʾaretz*, 225–26; on image worship, 196; on representation, 197–99, 200, 287n94, 289n110
ʾAbbahu, Rabbi (Palestinian Amora): and *minim*, 132
ʾAblet, story of, 274n59; boiled wine in, 142, 143
Abraham (biblical figure), circumcision of sons, 107
Adam (biblical figure): in b. ʿAvoda Zara, 43–47, 48–49; in Palestinian Talmud, 45–46
Adler, Rachel, 105, 265n67
agency: distributed, 173; of objects, 176, 240
Agrippa, debate with Rabban Gamliʾel, 208–9, 233
ʿAkiva, Rabbi, 57, 268n4, 283n53
Alcohol, and social identity, 269n10. *See also* Gentile wine; wine
Allen, Graham, 252n30
ʿam ha-ʾaretz (non-rabbinic Jews), 111, 267n78; Amoraim on, 216, 292n10; in ʿAvoda Zara, 217–29; Babylonian Talmud on, 216-219; boundaries with rabbinic Jews, 219, 223–24, 230; defiling power of, 226; effect on social position, 227; food practices of, 215, 231; Gentile authority over, 230; ignorance of, 216, 223; Jewish identity and, 224; as Jewish others, 214–19; Jewish separation from, 219–27; lapses in observance, 224; leniency concerning, 225; marriage with, 217; and non-Jews, 292n17; Pharisaic practice and, 215; rabbinic definitions of, 214, 215; and ritual impurity, 220, 225; sages' hatred of, 292n17; scriptural definition of, 215; in social hierarchy, 217; as source of defilement, 230; talmudic editors on, 216–17; threat of, 220–21, 225–26
Amoraim (rabbis), 18; on *ʿam ha-ʾaretz*, 216, 292n10; contributions to Talmud, 21; halakhic positions of, 278n103; teachings of, 2. *See also* rabbis
Anderson, Gary A., 261n27
animacy, 77–78; hierarchy of, 259n9, 263n47
animality: association with sexuality, 101; ʾEyn Maʿamidim's engagement with, 103–4, 118; and gender, 91; of male Jews, 98, 116–17
animals: abjection of, 117; carrying ark, 103; Derrida on, 92–93, 94, 99–100, 258n1, 262n34; in folklore, 112–13; and human social hierarchies, 77–78, 259n9; legal discussions of, 93; as metonym for humans, 76; pure and impure, 264n50; in rabbinic language, 75, 93; in Talmud, 73–74; in talmudic law, 263n40
animals, sacrificial: domestication and, 264n51; Gentile bestiality with, 24–29, 79–88, 102–3, 265n60; laws governing, 103, 262n39; purity of, 86. *See also* sacrifice
animal studies, 73–74, 77–78; critical theory and, 238; feminist, 258n1
animal thinking: in ʾEyn Maʿamidim, 73–75, 91–92, 101, 129, 240; hierarchical, 78; in Mishna, 75–78

anthropocentrism: versus anthropomorphism, 173–74; corrections in, 172
anthropomorphism: versus anthropocentrism, 173–74; concerning objects, 173
ʾAntoninus (Roman ruler), 232; friendship with Rabbi, 58
Apophthegmata Patrum, 62–63, 64, 256n67
ʾArama'ey. *See* pagans
ʿarelim (uncircumcised), 108, 265n69
Aristotle: cosmic hierarchy of, 33, 263n47; on mimesis, 200; on natural world, 248n55
ʾarmalata. *See* widows, Jewish
art, Jewish attitudes toward, 283n57, 288nn98,102. *See also* sculpture
art, Jewish: of Roman Palestine, 199
artifacts: ethics of, 167; impure, 183–84; meanings of, 167, 211; natural prototypes of, 195. *See also* objects
ʾasherot (sacred trees): nullification of, 181; prohibition of, 183, 201, 283n52, 289n109
Athenian Academy, closure of, 190
authorship, literary function of, 294n39
autonomy, Western, 4
ʿavodat kokhavim (star worship), 281n27
ʿAvoda Zara (tractate): Adam in, 43–47, 48–49; *ʿam ha-ʾaretz* in, 217–29, 292n17; anthropology of, 3, 5, 46, 67, 74, 117; artistry of, 23, 236; authorial activity in, 235–36; Babylonian sensibilities of, 23; binaries in, 38; censorship of, 15, 242; chapter divisions of, 279n1; coherence of, 236–27; common humanity in, 30–31, 50; cosmic hierarchy in, 32–33, 37, 68, 165, 169, 218, 234; cultural rifts in, 16, 30; dialogic aspects of, 47; digressions in, 3; discursive mix of, 233; editorial interventions in, 21–22, 23, 37, 117, 165, 236, 247n38; form and content of, 20; Gentile redemption in, 40, 41; Gentiles in, 7, 38–43, 231, 232–33; *goyim* in, 10; human condition in, 33, 37, 233, 234; human identity in, 5; humanities in, 234; human subjectivity in, 184–85; idolatry in, 5, 46, 71, 165, 168, 169, 177–85, 234; intellectual exchange in, 291n127; inwardness in, 213; Jewish difference in, 4–6, 16, 28, 37, 41–42, 59, 132, 167–68, 214; Jewish-Gentile boundaries in, 31, 32, 218–19; Jewish-Gentile dialogues in, 203–10; Jewish-Gentile interactions in, 1–5, 8, 36–38, 50, 66, 170, 232–33, 234; Jewish identity in, 234; Jewish restraint in, 96; Jewish superiority in, 231; jurisprudence in, 2; literary analysis of, 40, 168, 234, 238; literary motifs of, 168, 169; literary unity of, 233–34; manuscript tradition of, 10, 251nn19–20; materiality in, 240; meaning of, 3; Mishna, 9–10, 36, 234; monological aspects of, 47; multivocality of, 40, 42, 47, 252n25; narratives of, 40, 41, 43, 250n6; nature in, 170; opening sugya of, 38-43, 250n5; organization of, 32–33, 168-169, 234; "outside" perspective on, 32; pagan festivals in, 9; in Palestinian Talmud, 284n65; physical world in, 34; posthumanistic readings of, 236, 237, 239, 240–41; principles of exclusion in, 241; rabbinic audience of, 230; rabbinic elitism in, 214; reception history of, 8; redaction of, 22, 39–40; social relationships in, 36, 165; subjugation to Torah in, 241; the supernal in, 34; tannaitic traditions in, 9; thematics of, 33, 237; Torah in, 40, 241; editing of, 21–22; on utensils, 195. *See also* ʾEyn Maʿamidim; Ha-sokher ʾet Ha-poʿel; Kol Ha-tzlamim; Lifney ʾEydeyhem; Rabbi Yishmaʿel

Babylonia, Sasanian: culture of, 22, 187; discussion of idols in, 186; freedom from idols, 185, 190; intellectual debates of, 187, 190–94, 201–2, 204, 210, 286n75, 291n124; nonidolatrous art of, 283n57; sculptural environments of, 170–71, 190. *See also* Sasanian empire
Bakhos, Carol, 262n30
Bakhtin, Mikhail, 33, 252n26; dialogism of, 47, 48–49, 66, 247n41, 252n25; on epic, 48–49; on folk humor, 58; on the grotesque, 64, 256n76; and intertextuality, 252n30; life of, 47; theories of language, 47–50

Balberg, Mira, 179; on meaning of objects, 281n34; on purity law, 174–75, 176, 183, 280n13, 283n54
Barad, Karen, 69, 257n85
Barber, Charles, 289n110
Bati bar Tuvi (stock character), 294n31; Jewish identity of, 227–30; sexual dalliance by, 229
Bavli. *See* Talmud, Babylonian
Baʿal Peʿor, worship of, 207
Becker, Adam: *Fear of God and the Beginning of Wisdom*, 285n71
behemot: dogs as, 93, 262n36; large and small, 262n37. *See also* animals
belonging, Jewish: exclusion from, 230; subjective measures of, 227
Belser, Julia Watts, 30, 246n36, 248n53
Ben Dama story (ʾEyn Maʿamidim), 130-34; character of, 132–33; death of, 133; and Rabbi Yishmaʿel, 130–34, 135, 138; snakebite of, 130–34, 135, 138, 139, 146, 271n27
Bennett, Jane, 176; on objects, 173–74; on "thing-power," 280n8
Berkowitz, Beth, 263n40
bestiality: connotations of, 76; female-on-female, 87, 261n25; in folklore, 112–13; in human condition, 88–89; and human violence, 112–13; offense against God, 94–95; in scripture, 258n3; talmudic discourse on, 83. *See also* human-animal relationships
bestiality, Gentile, 75–76, 114; in Dama ben Netina story, 24–29; in ʾEyn Maʿamidim, 34, 79–88, 94, 261n20; fear of exposure, 85–86; with fowl, 90; gendered, 83–89; with livestock, 24–29, 93; with male animals, 84; Mishna on, 24, 26, 28, 101–2; in Palestinian Talmud, 260n14; with sacrificial animals, 24–29, 79–88, 102–3, 256n60; shepherds', 81–82, 83; women's, 84–89, 94, 98
bestiality, Jewish, 87; with dogs, 85, 88, 93, 95, 96; male, 100, 114; in Noah story, 113, 261n28; with snakes, 88, 89, 93, 105, 112, 113, 241, 261n27; widows', 85, 88–89, 110; women's, 75, 77, 95, 96, 98, 100, 106
Bey Gavla, non-Rabbinic Jews of, 220–26
binaries, 256n78; in ʿAvoda Zara, 38; in critical theory, 38; gender, 68, 257n82; in Lifney ʾEydeyhem, 57–58, 67, 70; in poststructuralism, 68; Western, 71
Blidstein, Gerald, 183, 281nn33,34, 282n41, 283nn47,48,53
Bogost, Ian: object-oriented ontology of, 172–74
Bomberg, Daniel, 11
Borges, Jorge Luis, 287n94
Boustan, Ra'anan S., 253n41
Boyarin, Daniel, 19, 271n30, 295n41; on authorship, 294n39; on circumcision, 266n73; on cultural studies, 246n32; on heresy, 271n33; on Jewish masculinity, 255n53; on Ketiʿa bar Shalom narrative, 58, 59; on minim, 271n26; on multivocality, 43; on Stam, 235; use of Bakhtin, 252nn25,27
Boyce, Mary, 283n55
bread, impurity in preparation of, 292n17
bread, Gentile: prohibitions against, 135, 277nn89,91
Butler, Judith, 257n82

calendars, ritual, 45
Carafa, Giovanni Pietro (Pope Paul IV), 11
censorship: of ʿAvoda Zara, 15, 242; Dama ben Netina story and, 13–14; effect on Jewish difference, 13; of Talmud, 10–16, 244nn8,20; of term *goyim*, 12, 13
cheese, Gentile: contact with idol worship, 127; prohibition on, 125–26, 130, 137, 151–52, 269n15; secrecy concerning prohibition, 151, 162; tannaitic authorities on, 151–52
Chen, Mel Y., 77–78, 259nn7,9
children, Gentile: corruption of, 115–16; intimate relationships with, 158–59; ritual impurity of, 158–59
circumcision, 254nn47,49–50, 266n72; by Gentiles, 106–7; in Jewish-Christian polemics, 266n73; in Ketiʿa bar Shalom narrative, 57–58, 59, 65; Rabbi Yoḥanan on, 106, 221, 293n21; in Sinai covenant, 107–8; women and, 107–8, 266n69
Cohen, Jeffrey Jerome, 172
Cohen, Shaye J. D., 59, 263n43
consecration, Roman rituals of, 182
containment, power in, 152
conversion: in halakhic literature, 255n57; rituals of, 267n83
Council of Trent, on Talmud, 11–12
Cover, Robert, 249n2
Crane, Jonathan K., 246n34

critical theory: animal studies and, 238; binary oppositions in, 38; Enlightenment in, 73; on materialism, 68; modernity in, 73; on objects, 171–76; in Talmud study, 7–8, 31–32, 35, 239, 240

Dagon, idol of, 188
Dama ben Netina story, 1–2, 24–31, 232; in b. Kidushin, 28; consequentiality in, 28; gemstones in, 1, 6, 26; interpretations of, 8; Jewish-Gentile relations in, 5–6, 14; moral critique in, 24; prior to censorship, 13–14; rabbinic law in, 23; talmudic dialectic of, 23, 27, 28–30; textual traditions of, 243n1; universal message of, 6; xenophobia in, 24
damnatio memoriae, 182
deities, foreign, 178; Bible on, 177, 280nn21–22; decorative images of, 179–81
Derrida, Jacques, 257n80; on animals, 92–93, 94, 99–100, 258n1, 262n34; on bestiality, 263n42; on hierarchy, 68; pet cat of, 99–100, 264n55
dialectic: aggadic, 30; of Dama ben Netina story, 23, 27, 28–30; halakhic, 30
dialogism: of Babylonian Talmud, 22; Bakhtin's, 47, 48–49, 66, 247n41, 252n25; in language, 48; laughter and, 252n34
dialogues: of b. ʿAvoda Zara, 47, 203–10; Jewish-Gentile, 203–10; with philosophers, 282n35; Rabban Gamliʾel's, 179, 203, 205, 206–7, 209, 233; Rabbi Yishmaʿel's, 124–29, 130, 138, 149–52, 153, 160, 276n72; Rabbi Yoḥanan's, 187–92, 284n60, 285n65; with Romans, 203–4, 208–10
dietary restrictions, taxonomy of, 262n38
dogs: as *behemot*, 93, 262n36; bestiality with, 85, 88, 93, 95, 96; cohabitation with humans, 99; versus livestock, 99; ownership of, 264n52
Doniger, Wendy, 91, 275n64
Donin, Nicholas, 10
Dorff, Elliot, 279n111
Douglas, Mary, 99, 124, 262n38
drink: concealment of, 148; detection of venom in, 147; exposure to snakes, 148. *See also* Gentile wine; water; wine
drinking, in social life, 124

ecofeminism, on human centrality, 243n3
eighteen edicts (Shammaite tradition), 135–36, 161, 267n84, 276n76; contentiousness over, 162; daughters in, 155–59; Gentile wine prohibitions and, 155; identity of, 153; Palestinian Talmud on, 277n88; sources for, 273n45. *See also* Shammaites
ʾElʿazar ben Dordya story (Lifney ʾEydeyhem), 52, 60–66; body-spirit relationship in, 62–64; Christian influence on, 62–63, 64, 253n39, 256n67; intertextuality in, 62–63; parodic aspects of, 63, 65, 70–71, 240; penitence in, 60–64, 65; prostitution in, 60, 62, 63; redemption in, 66; textual connections within, 60
Eliav, Yaron, 182
ʾEliʿezer, Rabbi (Tanna): heresy accusation against, 132, 270n26; on sacrifice, 24–29
Elijah, and prophets of Baʿal, 281n27
ʾElishaʿ ben ʾAbuya, Rabbi, 254n43
ʾElohim, 177, 206. *See also* God
Elsner, Ján, 200, 202, 288n105
Epistle of Barnabas, on idolatry, 281n25
Epstein, J. N., 279n1
ethics, of objects, 167, 173–74, 176
ethnocentrism: of rabbis, 14; Talmud's, 94, 242
Eve (biblical figure): association with women, 110; bestiality with snake, 88, 89, 93, 105, 112, 113, 241, 261n27; seduction of, 139
exegesis, scriptural: and Jewish law, 273n47
exposure (*giluy*), 109; figurative/literal aspects of, 148; Gentiles and, 109, 145; legal reasoning and, 139–45; Mishna on, 140–41; moral aspects of, 149; secrecy and, 149; snake motif of, 119, 144-47.
ʾEyn Maʿamidim (b. ʿAvoda Zara Chapter 2), 33, 72; animal thinking in, 73–75, 91–92, 101, 129, 240; anonymous editors of, 74, 80–81, 82, 102–3, 107, 118, 168; anthropology of, 121; baraita on bestiality, 79–84, 86, 88, 89, 102, 103, 259n13; cosmic hierarchy in, 97; discursive makeup of, 74; engagement with animality, 103–4, 118; gendered bestiality in,

83–89; Gentile bestiality in, 34, 79–88, 94; Gentile degradation in, 218; Gentile masculinity in, 87–88; Gentile personality in, 82–83, 90–91; on Gentile wine, 92, 169; the grotesque in, 89; heteronormativity of, 87; human-animal interactions in, 91–93, 100–101, 121; human condition in, 74; human sexuality in, 98; legal rulings in, 74; literary artistry of, 130; literary devices of, 74–75; literary/legal distinctions in, 122; manuscript tradition of, 260nn15,17–18, 261n22, 266n71, 270n17, 274nn58,60, 277n84; micro-organization of, 101; mishna on bestiality, 86, 88, 89, 93–94, 102, 103, 259n13; opening sugya of, 74–75, 78–91, 94, 101–5, 131, 264n56; on rabbis' widows, 111; remedies in, 103–4; snakes in, 104, 130–34, 135, 139–49; synchronic reading of, 102; thematic unty of, 129–30; unity of, 146; women in, 75, 104–12
Ezra (biblical book), on *ʿamey ha-ʾaretz*, 215

feminism: animal studies of, 258n1; eco-, 243n3
feminism, Jewish, 265n67; on Sinai covenant, 105, 263n48
Fine, Steven, 199, 283n57, 288n98
Fonrobert, Charlotte, 246n32, 250n4
Fontaine, Piet F. M., 257n78
food: detection of venom in, 147; exposure to snakes, 140–45; nullification of, 183; protection of purity, 225; rules for preparation, 220, 221–23
Fraenkel, Yonah, 18–19, 246n28
Fraiman, Pamela, 258n1
Freud, Sigmund, 161; on joking, 294n32
Friedman, Shamma, 18, 21, 254n52; on Dama ben Netina, 265n63; on Talmud manuscript tradition, 245n23
Furstenberg, Yair, 182, 291n6; on *ʿam ha-ʾaretz*, 214–15, 216

Gamliʾel, Rabban, 233; in Aphrodite's bath, 179-182; debate with Agrippa, 208–9; dialogue with Proclus, 179, 203, 205, 206–7, 209, 290n123; historicity of, 290n114; on idols, 179–82, 203, 205–8, 282n43; leniency of, 210; lunar diagrams of, 196, 197–98, 200, 208, 291n124; as mediator, 209; as model for intellectual exchange, 208; in Palestinian Talmud, 206–8, 290n121; as patriarch, 209; secondary literature on, 205; sincerity of, 205–8
Gemara. *See* Talmud, Babylonian
gender: and animality, 91; in Gentile bestiality, 83–89; in Jewish difference, 118; in Jewish-Gentile interactions, 105
Genesis Rabba: debate with Gentiles in, 206; on human-animal interactions, 97–98
Gentile food: cooked, 223; laws governing, 121, 126–28; Mishna on, 125–26, 155; prohibitions on, 119, 153, 270n18. *See also* cheese, Gentile
Gentile impurity, 114, 160, 267n83, 280n13; children's, 115–16, 158–59; gonorrheic, 161; rabbis on, 272n35; women's, 154–56. *See also* impurity; purity laws
Gentiles: and *ʿam ha-ʾaretz*, 292n17; animal nature of, 91, 104, 121; authority over *ʿam ha-ʾaretz*, 230; in ʿAvoda Zara, 7, 38–43, 231, 232–33; circumcision by, 106–7; cunning of, 146; degradation of, 218; depravity of, 115–17; descent from animals, 89; eating and drinking with, 128; festivals of, 43–44, 46; God's judgment of, 41–42, 46–47, 49, 55; healers, 104; human sacrifice by, 291n127; hygiene of, 274n61; immodesty of, 96–97; irrational suspicion of, 145; lasciviousness, 115; masculinity of, 87–88; Mishna norms for, 234; Mishna's denigration of, 31, 89; moral proclivities of, 78; otherness of, 234, 243n6; personality of, 82–83, 90–91; rabbis' interactions with, 7, 104; rationality of, 210; redemption of, 40, 41–42, 56, 64; repulsion from, 115; resistance to venom, 275n61; in rule of exposure, 145; similarity to Jews, 148, 234, 242; snake motif for, 139, 143, 144, 145–49, 265n66; as star worshippers, 12, 13, 15; Talmud treatment of, 6, 36; tannaitic teachings on, 9, 82, 83; as venom, 148. *See also* bestiality, Gentile; *goyim*
Gentile wine: danger from, 138; in ʾEyn Maʿamidim, 92; halakhic discussion of, 145; Jewish use of, 34; laws governing, 121, 124, 129–34, 148, 169; and laws of teruma,

144–45; open barrels of, 274n57; ordinary, 134, 272nn36,38, 273n51, 274nn51,53; profit from, 135; in Rabbi Yishmaʾel, 104, 124–29; snake motif of, 129. *See also* wine; *yeyn nesekh*
Gentile wine prohibitions, 75, 119, 249n1; de-rabbanan, 272n40; de-ʾoraita, 272n40, 273n48; eighteen edicts and, 155; halakhic treatment of, 270n18; Jewish difference and, 163; Mishna on, 120, 121, 129, 134–36, 139–41, 145, 169; rabbinic, 114; scriptural versus rabbinic, 127, 134–38, 141, 145, 163, 276n72; Shammaites', 135, 137; snake exposure and, 148; strictness of, 137; in Talmud, 121, 129–38, 141
God: as cosmic ruler, 44; holding of Torah, 55–56, 231, 253n43; judgment of Gentiles, 41–42, 46–47, 49, 55; last judgment of, 39–40, 42, 52, 55; quiescence concerning Rome, 203–4; representation of, 177, 178; toleration of idols, 204
Goldberg, Avraham, 277n76
Golden Calf, 281n30
goyim, 8–9, 10; censorship of term, 12, 13; as idolaters, 12–13; oppositional qualities of, 215; pagans and, 266n76; in Talmud, 266n75; Tannaim's concept of, 14; and *yisraʾel*, 13. *See also* Gentiles
Graetz, Heinrich, 154–55, 277n87
Gray, Alyssa, 22; on Ketiʿa bar Shalom story, 58, 59, 255n53; on Palestinian Talmud, 260n14; on story of Adam, 45; on talmudic editors, 284n65; on talmudic innovation, 265n62
great chain of being, 33, 166, 234–35, 248n55, 263n47. *See also* hierarchy, cosmic
Gregory IX, Pope: charges against Talmud, 10
Growing Argument, 191–92

halakha: and ʾagada, 268n1; conversion in, 255n57; dialectic, 30; engagement with impurity, 226; in ʾEyn Maʿamidim, 133–34; on Gentile wine, 145, 270n18; hermeneutics of, 268n2; ignorance of, 223; on mixed substances, 276n68; scrupulousness concerning, 224–35; sources of, 133–34; Stammaim intervention in, 247n42, 294n38. *See also* rabbinic law
Halbertal, Moshe, 123, 177
Halivni, David Weiss, 18
Ḥananel, Rabenu (commentator), 260n17
Ḥananya ben Ḥizkiya ben Garon, 153, 154
Ḥanina ben Traydon, Rabbi, 232; martyrdom of, 50–57, 60, 246n34; offense of, 51
Haraway, Donna, 258n1
Harris, Jay, 273n47
Hasan-Rokem, Galit, 246n32
Ha-sokher ʾet Ha-poʿel (b. ʿAvoda Zara Chapter 5), 33, 120; food prohibitions in, 213; impurity in, 226
Hayes, Christine, 22, 153, 268n88, 272n35, 277n92; on Babylonian/Palestinian differences, 284n64; on Gentile impurity, 155, 267n83, 293n26; on rabbinic prohibitions, 155, 157, 158, 160
Hebraists, Christian: of Reformation, 11; of Renaissance, 244n10; use of Talmud, 8, 16
heifers, red, 265n63; sacrifice of, 1, 25–27, 103
Hekman, Susan, 69
Heraclitus, on change, 191, 193
ḥerem, biblical concept of, 268n4
heresy (*minut*), 132, 253n40, 270n26; in discussions of Jesus, 271n33; Jewish identity and, 271n26; scripture and, 272n33
Herman, Geoffrey, 293n29
hierarchy: animals and, 77–78, 259n9; Derrida on, 68
hierarchy, cosmic: in ʿAvoda Zara, 32–33, 37, 68, 165, 169, 218, 234; in ʾEyn Maʿamidim, 97; Greek philosophers', 33, 263n47; human relationships in, 235. *See also* great chain of being
hierarchy, social: *ʿam ha-ʾaretz* in, 217; of animacy, 259n9, 263n47
Hilvitz, Asher, 254n45
Ḥiya bar ʾAbba, Rabbi (Palestinian Amora): on non-rabbinic Jews, 220–21, 222
homosexuality, Jewish-Gentile, 115–16
human-animal relationships, 73; boundaries in, 113–14; breach of, 94; continuity in, 92, 94, 98, 264n51; in ʾEyn Maʿamidim, 91–93, 100–101, 121; Genesis Rabba on, 97–98. *See also* bestiality

human body: materiality of, 57, 64–65, 67, 176; object terms for, 175; rabbinic views on, 258n90; relationships to spirit, 62–64, 67, 70–71
humanism, critics of, 4
humanism, Renaissance: influence on Talmud, 7; use of Jewish sources, 10–11
humanities: in ʿAvoda Zara, 234; conception of human beings, 2; crisis in, 238–39; relationship with Talmud, 7–8, 17, 31–32, 237–42
humanity: animal nature of, 91; commonalities of, 4, 66, 211, 219, 231; conception in humanities, 2; continuity with non-humans, 92, 94, 98, 264n51; interdependence of, 4; place in universe, 37; rabbinic understanding of, 67; rabbinic vocabulary for, 14; redemption of, 61; shared experience of, 185

iconoclasm, 202; Byzantine, 195, 199, 200, 289nn107,110; Jewish tradition and, 199–200; in Sasanian Babylon, 185
icons: and archetypes, 289n110; real presence within, 200, 201
identity, 5; Gentile, 43–45; persistence of, 192, 286n80
identity, Jewish, 15; in b. ʿAvoda Zara, 234; in blood, 267n83, 268n88; contingency of, 163; dissolution of, 224; heresy and, 271n26; meaning of, 169; narrowing of, 213; rabbinic, 133; in relations with *ʿam ha-ʾaretz*, 224; Shapur's joke on, 227–32; stereotypes of, 228; *yeyn nesekh* and, 164
idolaters: humanity of, 50; Jewish interactions with, 179; subjectivity of, 182. *See also* pagans; sculpture, pagan
idolatry, 5; anthropological aspect of, 171; in ʿAvoda Zara, 46, 71, 165, 168, 169, 177–85, 234; Babylonian context of, 185–210; benefiting from, 272n43; biblical concept of, 177–79; biblical/rabbinic attitudes toward, 122–23, 289n108; in Kol Ha-tzlamim, 34, 166–67, 168, 169, 170; laws of, 184–85; with libation wine, 120–21, 127, 134, 136–37, 138; in Mishna ʿAvoda Zara, 36; Mishna on, 122–23, 178–84, 186; obfuscation concerning, 158–60; objects associated with, 168; in Palestinian Talmud, 170, 186; prohibition of, 158; rabbinic prohibitions on, 165; in Roman Palestine, 186; scriptural law on, 122, 138, 272nn43–44
idols: Babylonian Talmud on, 281n34; broken, 187–90, 192, 193; criteria, 178, 184, 188, 281n34; God's toleration of, 204; houses dedicated to, 181, 184; versus images, 187; intentionality toward, 184, 283n53; materiality of, 35, 174; Mishna on, 176, 188, 201, 203, 204–5, 210; nullification of, 181–82, 184, 188–89, 289n111. *See also* images; sculpture
image-making: Jewish, 199–200, 281n32; Tannaim on, 288n102; Torah on, 197; versus worshipping, 196. *See also* representation
images: versus idols, 187; Jewish attitudes toward, 179–82; Mekhilta on, 197, 198–99, 287n92; Mishna on, 285n65; prohibited, 195, 196–99; prototypes of, 289n110; worship of, 196. *See also* idols; sculpture
impurity: of artifacts, 183–84; halakhic engagement with, 226. *See also* Gentile impurity; purity laws
impurity, ritual: of Gentile children, 115–16, 158–59; versus moral impurity, 293n26; of objects, 174–75
Index Librorum Prohibitorum, Talmud, 11–12
intentionality, human: toward idols, 184, 283n53; toward objects, 171, 180, 181, 184–85; toward physical spaces, 181
intertextuality, 252nn35–36; in Lifney ʾEydeyhem, 52, 62–63, 65, 256n75

Jesus, 271nn26,33; nature of, 286n81
Jewish difference: in ʿAvoda Zara, 4–6, 16, 28, 37, 41–42, 59, 132, 167–68, 214; in children, 115–16; effect of censorship on, 13; in ʾEyn Maʿamidim, 121; fluctuations in, 231–32; gender in, 118; and Gentile wine prohibitions, 163; imposition by law, 116–17; invisibility of, 148; and laws of purity, 283n54; loss of, 224; minim threat to, 132; narcissism in, 219–27; and serpent of Eden, 131; Shapur on, 232; snakes in, 148; stereotypes of, 228; Talmud representation of, 16;

Torah on, 117, 129; wine metaphors for, 122; women's, 108–9; *yeyn nesekh* and, 164
Jewish-Gentile boundaries, 15; in b. ʿAvoda Zara, 31, 32, 218–19; legal, 5; in Mishna, 66; in rabbinic law, 132; social, 124, 128, 135, 137; Torah and, 112
Jewish-Gentile interactions: animal comparisons in, 77; in b. ʿAvoda Zara, 1–2, 4–5, 8, 36–38, 50, 66, 170, 232–33, 234; commercial, 5, 6, 169, 270n23; danger in, 147–48, 233; dialogues, 203–10; dichotomous, 59–60; distancing of, 230; gender in, 105; guilelessness in, 82; homosexual, 115–16, 159; idolaters and, 12, 179; intellectual exchanges, 185, 187, 190, 192–94, 201–2, 210, 290n115, 291n125; Mishna on, 123–24; segregation in, 164, 232, 241, 277n88; social dissolution in, 165; in Talmud, 36, 74, 78–79; Talmud on, 135; women's mediation of, 77; *yeyn nesekh* law and, 164, 225
Jewish literature, Christian intrusions in, 12
Jews: boundaries with *ʿam ha-ʾaretz*, 219-27, 230; commonality with pagans, 44; encounters with Romans, 51–58; participation in idol market, 281n32; similarity to Gentiles, 148, 234, 242; sore metaphor for, 57–58. *See also* women, Jewish
Jews, male, 8, 9; animality of, 98, 116–17; control over language, 97; and goyim, 13; restraint of, 95–97; rule over wives, 110; sexual modesty of, 95–97; superiority of, 97–98, 101, 263n43; supremacy of, 100; unlettered, 263n49
Jews, medieval: obedience to prohibitions, 279n111; wine use among, 138
Jews, non-rabbinic. See *ʿam ha-ʾaretz*
jokes: Freud on, 294n32; incongruity theory of, 229, 294n35; social position in, 230; superiority theory of, 229, 230, 294n34; teller/audience collusion in, 229

Kafka, Franz, 159–60
Kahana, Rav (Babylonian Amora): on Gentile bestiality, 80–81; on purification of utensils, 227
Kalmin, Richard, 247nn37,42, 253n41; on Babylonian Talmud, 236, 291n125; on interreligious exchanges, 286n75; on idols encountered by Palestinian and Babylonian rabbis, 185–86; on rabbinic culture, 191; on Stam's interventions, 294n38
Kelim (tractate), on man-made objects, 184
Ketiʿa bar Shalom martyrdom (Lifney ʾEydeyhem), 52, 57–60, 232; circumcision in, 57–58, 59, 65; conversion in, 59, 255n55; duality in, 57–58; manuscript tradition of, 255nn58–59, 256n60; Roman identity in, 254n46; Roman power in, 57–58; sore metaphor in, 57–58
Khosrow (Sasanian king), 192
kin, sexual accessibility of, 264n51
Klawans, Jonathan, 293n24
Kol Ha-tzlamim (b. ʿAvoda Zara Chapter 3), 33; Chain of Being in, 166; editorial interventions in, 168; editorial restraint in, 170; on idolatry, 34, 166–67, 168, 169, 170; legal issues in, 169; material things in, 166–67; objects in, 172, 185
Kovecses, Zoltan, 275n63
Kraemer, David, 265n66, 267n83; on snake figuration, 275nn62,67
Kronfeld, Chana, 270n21

Labov, William, 249n2
Lang, Uwe Michael, 286n81
language: connections with world, 239; dialogic aspects of, 48; and matter, 69–70, 257n85; as social phenomenon, 48, 50–51
Latour, Bruno, 68, 239, 257n80
law, commonality with literature, 121-22, 268n1
Lawrence, D. H.: "Snake," 275n65
Leach, Edmund R., 99, 264n51
Levinson, Joshua, 251n24
libation wine. See *yeyn nesekh*
Lifney ʾEydeyhem (b. ʿAvoda Zara Chapter 1), 33; afterlife in, 64, 67; discursive strategies of, 66; editorial interventions in, 168; eschatological drama in, 38–39; intertextuality in, 52, 62–63, 65, 256n75; Jewish-Gentile interactions in, 67; Jewish masculinity in, 255n53; linguistic aspects of, 239; matter/spirit in, 62–64, 67–72, 74; modes of

discourse, 47; narratives of, 74; opening sugya of, 38–43, 46–47, 50, 55; physical world in, 72; Roman torture in, 209–10; storytelling in, 34, 36–38
literature: commonality with law, 121-22, 268n1; powers of, 238; spoken language and, 50
livestock: bestiality with, 24–29, 93; carrying ark, 103; versus dogs, 99; large and small, 262n35
Lovejoy, Arthur O., 248n55
lupin beans, cooked by non-Jews, 220, 221–23, 224

Margalit, Avishai, 177
Marx, Karl: on artifacts, 175
masculinity: Gentile, 87–88; Jewish, 255n53
materiality: in ʿAvoda Zara, 240; in Babylonian Talmud, 193; critical theory on, 68; of human body, 57, 64–65, 67, 176; of idols, 35, 174; philosophical discussions on, 191; in Sasanian discourse, 192–94. *See also* new materialisms
matter: changeability of, 193; identity resident in, 192; and language, 69–70, 257n85; perishability of, 192–93, 286n81; relationship to form, 185, 199; relationship to spirit, 62–64, 67–72, 74
Mekhilta, on images, 197, 198–99, 287n92
Menaḥem Ha-Meʾiri, Rabbi (commentator), 244n20
merkuliot (sacred rocks), prohibition of, 201
Meʾir, Rabbi (Tanna): on *ʿam ha-ʾaretz*, 215, 217; on Gentiles, 41, 43
mimesis, in Greek philosophy, 167
minim, 272n33; healing by, 130, 271n27; identity of, 271n26; on plural *ʾElohim*, 206; rabbinic prohibitions against, 131, 132–33, 270n26, 271n27; scriptural authority of, 132; threat of, 132, 146
Mishna: animal thinking in, 75–78; on bestiality, 24, 26, 28, 101–2, 258n3; denigration of Gentiles, 31, 89; on Gentile bestiality, 24, 26, 28, 101–2; on Gentile food, 125–26, 155; on Gentile wine, 249n1, 272n36, 273n51; Gentile wine prohibitions, 120, 121, 129, 134–36, 139–41, 145, 169; on human-object relationships, 176; on idolatry, 122–23, 178–84; on idols, 176, 188, 201, 203, 204–5, 210; on images, 285n645; Jewish-Gentile boundaries in, 66; norms for Gentiles, 234; organization of, 2; on ornamentation, 282n40; on purity laws, 283n54; role of exposure in, 140–41; Talmud's departures from, 234; treatment of Gentiles, 40; on *yeyn nesekh*, 141
Mokhtarian, Jason, 293n29
moon, Rabban Gamliʾel's images of, 196, 197–98, 200, 208, 291n124
Moscovitz, Leib, 190

Naeh, Shlomo: on Gentile wine prohibitions, 125, 129, 150–51, 276n69; on rabbinic food strictures, 126–28
Naḥman bar Yitzḥak, Rav (Babylonian Amora): on Gentile children, 158–59; on Gentile impurity, 114–16, 160, 161; on menstrual impurity, 155
narrative: evaluation in, 253n38; theoretical work in, 249n2
Nehemiah (biblical book), on *ʿamey ha-ʾaretz*, 215
Neoplatonism: objects in, 192; representation in, 199, 289n107; of School of Nisibis, 191, 192, 285n72
Neusner, Jacob, 247n38, 251n22
New Criticism, 19
new materialisms, 167, 257n86; objects and, 172, 176; of posthumanism, 38; rabbinic critique of, 240; and rabbinic literature, 174; spirit and, 67–72; and Talmud studies, 238; talmudic storytellers and, 240. *See also* materiality
Nisibis, School of: connections with Alexandria, 286n81; culture of, 285n73; Neoplatonism of, 191, 192, 285n72
Noah (biblical figure), in animal folklore, 113, 261n28
novels, multivocality of, 48
Nussbaum, Martha, 95, 117

object-oriented ontology (OOO), 172–74, 175
objects: agency of, 176, 240; anthropomorphism concerning, 173; associated with idolatry, 168; copies of, 167; in critical theory, 171–76; decorative, 282nn40–41; essence

of, 167; ethics of, 167, 173–74, 176; fluctuating significance of, 183; in human condition, 170, 171, 173, 176, 180; human subjectivity in, 175–76; human transformation of, 183–84; intentionality concerning, 171, 180, 181, 184–85, 283n53; in Kol Ha-tzlamim, 166–67; maintenance of identity, 193; meaning of, 167, 211, 281n34; Mishna on, 175, 176; in Neoplatonic Aristotelianism, 192; purity of, 175; relationships to humans, 176; representation of, 196–97; tannaitic view of, 176, 240; terminology for, 175. *See also* artifacts; matter
Oliver, Kelly: *Animal Lessons*, 259n4
ontology: in Greek philosophy, 167; object-oriented (OOO), 172–74, 175
opening sugya: of b. ʿAvoda Zara, 38-43, 250n5; of ʾEyn Maʿamidim, 74–75, 78–91, 94, 101–5, 131, 264n56; as literary form, 38, 101, 249n4, 264n56
Ophir, Adi, 8, 9, 14–15
Oppenheimer, Aharon, 262n30
Origen, on image-making, 288n103
ʿOvadya of Bartenura (commentator), on ornamentation, 282n40

pagans, 266nn74–75; in ʿAvoda Zara, 9; commonality with Jews, 44; *goyim* and, 266n76; Jewish accommodation to, 203–4; Jewish widows and, 109–10. *See also* idolaters; sculpture, pagan
Palestine, Roman: culture of, 22, 204; idolatry in, 186, 283n57; Jewish pictorial art of, 199; Jews' accommodations to, 123; material realia of, 185; sculptural environment of, 170–71
parody: in ʾElʿazar ben Dordya narrative, 63, 65, 70–71, 240; social/linguistic use of, 71
Paul, Saint: on circumcision, 266n73
Peterson, Christopher, 77
Pharisees: and *ʿam ha-ʾaretz*, 215; purity standards of, 291n6
Philoponus, John, 286nn80–81; *Against Proclus's "On the Eternity of the World,"* 192
Pirkey ʾAvot, "fences" in, 131
Plaskow, Judith, 105
Plato: cosmic hierarchy of, 33, 263n47; on divine plenitude, 248n55; on mimesis, 200; on representation, 287n96
polytheism, Bible on, 177
Pope, Alexander, 248n55
posthumanism, 243n3; and antihumanism, 237; critiques of humanity, 4; de-centering of the human, 237; new materialisms of, 38; on objects, 171–72; in readings of ʿAvoda Zara, 236, 237, 239, 240–41
postmodernism, 16; on language, 69
poststructuralism: binaries in, 68; on human-animal divide, 99
Proclus: dialogue with Rabban Gamliʾel, 179, 203, 205, 206–7, 209, 233; identity of, 281n35–282n36
Proclus (Neoplatonist), 286nn79–80; John Philoponus on, 192
prohibitions: of *ʾasherot*, 183, 201, 283n52, 289n109; in Babylonian Talmud, 156; de-rabbanan, 272n40; de-ʾoraita, 272n40; eighteen edicts and, 155; against Gentile bread, 135, 277nn89,91; against Gentile cheese, 125–26, 130, 137, 151–52, 269n15; against Gentile food, 119, 153, 270n18; against Gentile wine, 75, 119, 155, 249n1; halakhic, 270n18; Jewish difference and, 163; against minim, 131, 132–33, 270n26, 271n27; Mishna on, 120, 121, 129, 134–36, 139–41, 145, 169; rabbinic, 156–57, 278n98; scriptural versus rabbinic, 127, 134–38, 141, 145, 163, 276n72; secrecy concerning, 128, 149–64; Shammaites', 135, 137; snake exposure and, 148; strictness of, 137; in Talmud, 121, 129–38, 141. *See also* Gentile wine prohibitions
prostitutes, repentant, 63
Purdie, Susan: on jokes, 229–30
purity laws, 114–15, 185, 267n82, 280n13; *ʿam ha-ʾaretz* laxness in, 219; Jewish difference and, 283n54; Pharisees', 291n6; Shammaites on, 114; *yeyn nesekh* laws and, 219–20, 225. *See also* Gentile impurity; impurity

Qumran, sectarian community of, 291n6

Rabbi Ḥanina ben Traydon's martyrdom (Lifney ʾEydeyhem), 50–57, 60;

alternate versions of, 51; Ben Dordya story and, 253n39; binaries in, 67, 70; doubling in, 54, 57; experience of time, 53; intertextual connections, 52; materiality in, 65; materiality of language in, 69–70; redactional history of, 56; revenge in, 56; Torah scroll in, 54–56, 69–70, 241, 253n42
rabbinic law: code responses concerning, 150; in Dama ben Netina story, 23; inadvertent transgression of, 131–32; Jewish privilege in, 30; maintenance of authority for, 162; as social barrier, 165; submission to, 163; versus scriptural law (*de-ʾoraita*), 127, 130–38, 141, 145, 163, 272n35, 273n48
rabbis: concealing of disagreements, 163; as containers for the holy, 276n75; dialogue with philosophers, 282n35; differences from other Jews, 35, 212, 213; elitism of, 214, 218; ethnocentrism of, 14; interactions with Gentiles, 7, 104; on Jewish identity, 268n88; legislative power of, 133; leniency concerning idols, 283n57; martyrdom of, 50–57, 253n41; power of, 279n109; prestige of, 35; reformulating of talmudic language, 16; relationship to law, 163–64; relationship to outsiders, 31; self-critique of, 240; supremacy over non-rabbinic Jews, 235; wives of, 107, 111. *See also* Amoraim; talmudic editors
rabbis, Babylonian: culture of, 218; honor among, 277n86; interactions with Zoroastrians, 285n75; inward focus of, 191, 202; liberality of, 208, 283n57; on nonidolatrous art, 283n57, 288n98; resistance to Sasanian empire, 279n109; in Sasanian intellectual debates, 187, 190, 194, 201–2, 204, 210, 291n124; shame among, 277n86; and Syriac Christian scholarly culture, 287n85
rabbis, Palestinian, 9; dialogues with Romans, 203–4, 208–10; encounters with Roman Empire, 51–52; engagement with Gentiles, 290n115; and image-making, 199
Rabbi Yishmaʿel (ʿAvoda Zara Chapter 4), 33, 120, 123, on *ʿam ha-ʾaretz*, 219, 220–21; editorial restraint in, 170; on Gentile food prohibitions, 213; idolatry in, 34, 169, 170; Jewish law in, 220–22; objects in, 167, 185
Rabbi Yishmaʿel (Tanna). *See* Yishmaʿel, Rabbi (Tanna)
Rabelais, François, 256n70
Rashi (Rabbi Shlomo Yitzḥaki, commentator), 161; on ʿAvoda Zara sugyot, 138; on contact with Gentiles, 274n53; explication of Rav Yitzḥak, 159–60, 278n106; on idolatry, 159–60; on Rabban Gamliʾel, 290n123
Raz-Krakotzkin, Amnon, 10, 11, 12
realism, grotesque, 64
Renaissance: Christian Hebraists of, 244n10; influence on Talmud, 7; use of Kabbalah in, 11
representation: ʾAbaye on, 197–99, 200, 287n94, 289n110; antique debates about, 34; Babylonian Talmud on, 178, 195–202, 287n92; Byzantine Christian, 289n110; Christian sources on, 288n103; of God, 177, 178; of Jewish difference, 16; late antique debates on, 200; legitimacy of, 199; leniency concerning, 198, 199; in Neoplatonism, 199, 289n107; non-imitative, 198; of objects, 196–97; of the sacred, 198. *See also* image-making
Resh Lakish (Palestinian Amora): on broken idols, 192, 284n60; dialogue with Rabbi Yoḥanan, 187–92, 284n60, 285n65
Reuchlin, Johannes, 11, 16
Robbins, Jill, 161
Roman Empire: God's quiescence concerning, 203–4; festivals of, 43–44, 46; Jewish revolt against, 154–55; pagan statuary of, 204; phallic potency of, 58; punishment of rabbis, 51–54. *See also* Palestine, Roman
Romans: dialogues with rabbis, 203–4, 208–10; use of torture, 209–10
Rosen-Zvi, Ishay, 8, 9, 14–15, 268n4
Roth, Philip: *Portnoy's Complaint*, 262n31
Rubenstein, Jeffrey L., 19, 247nn37,42; on *ʿam ha-ʾaretz*, 216, 218, 291nn10,13,17; on opening of b. ʿAvoda Zara, 38–43, 250n4; on Stammaim, 214, 235; *Talmudic Stories*, 38–43, 250nn4,6

Saboraim (rabbis), 249n4

sacrifice: human, 291n127; Rabbi ʾEliʿezer on, 24–29; of red heifers, 1, 25–27, 103. *See also* animals, sacrificial
Safra, Rav (Babylonian Amora), 132; on venom, 147
Sasanian empire: discourse on materiality in, 192–94; Jews of, 213–14; Neoplatonic debates in, 192; rabbis in, 204; rabbis' resistance to, 279n109; refugee-philosophers in, 190–91, 285n70. *See also* Babylonia, Sasanian; rabbis, Babylonian
Schäfer, Peter, 251nn19,22; on Jewish-Gentile interactions, 270n23; on wine, 140
Schwartz, Seth, 123
Scott, James C., 162–63
scriptural law: on idolatry, 122, 138, 272nn43–44; versus rabbinic law, 127, 130–38, 141, 145, 163, 272n35, 273n48
sculpture: Byzantine, 190; decorative versus cultic, 282n41; Sasanian Babylonian, 170–71, 190
sculpture, pagan: in Byzantium, 285n69; Jewish attitudes toward, 179–82, 282nn41,43; in public space, 204; Rabban Gamliʾel on, 205–8; ritual consecration of, 282n43; of Roman Palestine, 170–71. *See also* idolaters; pagans
secrecy: about kissing, 151; cohesion through, 163; eroticizing of, 152; exposure and, 149–52; as literary strategy, 160; maintaining, 152–62; in rabbinic prohibitions, 128, 149–64; in Rabbi Yishmaʿel, 149–52; reasons for, 162–64; as rhetorical strategy, 162; snake motif in, 119; in Talmud, 152–53, 240
Secunda, Shai, 248n49, 285n75
segregation, Jewish-Gentile, 164, 232, 241, 277n88
Seidman, Naomi, 63, 256nn69–70, 261n25
separation: from *ʿam ha-ʾaretz*, 219–27; rabbinic institutions of, 231. *See also* Jewish-Gentile boundaries
Septimus, Zvi, 246n35
sexuality: association with animality, 101; debasement of, 95; of Jewish widows, 105. *See also* bestiality
shame, among Babylonian sages, 277n86
Shammaites: conflict with House of Hillel, 135–36, 153–55, 268n84; eighteen edicts of, 135–36, 153, 161, 267n84; on laws of impurity, 114; prohibitions on wine, 135, 137; stringency of, 154; Zealots and, 154–55. *See also* eighteen edicts
Shapur (Sasanian king), 242; embrace of Torah, 227; honoring of rabbinic stringencies, 230–31; as icon of power, 293n29; on Jewish belonging, 214; on Jewish superiority, 232; joke on Jewish identity, 227–32; as typological name, 293n29; welcome to Jews, 213–14
Sherira (Gaon), 249n4, 294n30
shepherds: bestiality of, 81–82, 83; as despicable, 132; Gentile, 81–82, 83, 260n17; in talmudic literature, 260n16
Shmuʾel (Babylonian Amora): on broken idols, 284n60; on images, 187
Siegal, Michal Bar-Asher, 61–62, 253n39, 256n67, 286n75
Silverstein, Michael, 259n9
Simlai, Rabbi (Palestinian Amora): debate with minim, 206
sin, original, 88
Sinai covenant: circumcision in, 107–8; Jewish women and, 105–12, 263n48
Smith, Jonathan Z., 264n51
snake (Eden), 139, 146; Eve's bestiality with, 88, 89, 93, 105, 112, 113, 241, 261n27; God's curse of, 46; Jewish difference and, 131
snakebite: in Ben Dama's story, 130–34, 135, 138, 139, 146, 271n27; as minut, 139; in scriptural/rabbinic law, 130–34
snakes: androgyny symbolism of, 275n64; exposure of food to, 140–45; exposure to wine, 142–44, 145, 146, 275n62; in ʾEyn Maʿamidim, 104, 130–34, 135, 139–49; and Gentile wine, 129; guile of, 147; as motif for Gentiles, 139, 143, 144, 145–49, 265n66; natural properties of, 146; pollution from, 109; venom of, 147, 275n61
Sokoloff, Michael, 266n75
Soloveitchik, Haym, 138, 274n53, 279n111
Song of Songs: coded responses in, 150–51, 152, 276nn69,71; erotic language of, 128, 276n75; halakhic interpretation, 127; voice of Israel in, 150
Sorabji, Richard, 286n76

speciesism, 94, 258n4
spirit: new materialisms and, 67–72; relationship to body, 62–64, 67, 70–71; relationship to matter, 62–64, 74
Stammaim (anonymous editors), 18, 22; on broken idols, 284n62; intervention in Dama ben Netina story, 24–28; intervention in halakhic materials, 247n42, 294n38; interventions of, 235. *See also* talmudic editors, Babylonian
stam yeynam. *See* Gentile wine
stars, worship of, 281n27
Stein, Dina, 112, 113, 261n28
Steinfeld, Zvi Arye, 153, 278n92; on Gentile impurity, 155, 159; on Rav Yitzḥak, 278nn98,103
Stemberger, Gunter, 277n76
superiority, Jewish: in ʿAvoda Zara, 231; of males, 97–98, 101, 263n43; Shapur on, 232; Talmud on, 16

Talmud, Babylonian, 2; abstract conceptualization in, 190; academic study of, 16; Adam in, 45–46; on *ʿam ha-ʾaretz*, 217–18, 292n17; androcentrism of, 94; animal imaginary of, 93–94, 98–99; animals in, 73–74; animal thinking in, 76; anonymous material in, 18; as anthology, 236; anthropology of, 6, 67; Arabs in, 262n30; artistry of, 23, 35, 121–22, 160, 260n14; attributed material in, 18; Baktinian study of, 47–50; beginning-in-middle tropes of, 38; on bestiality, 94; on broken idols, 187–90; chain of being in, 234–35; on change, 193; chauvinism of, 240; Christian censorship of, 10–16, 244nn8,20; Christian readership of, 8, 11; the comic in, 42, 250n17; commentarial function of, 211; compositional aspects of, 3; conception of humanity, 6, 35, 240; and contemporary scholarship, 6–8; Counter-Reformation attacks on, 11; and critical theory, 7–8, 31–32, 35, 240; departures from Mishna, 234; dialectical deliberations in, 19, 20, 27–28; dialogism of, 22; digressions in, 37; discursive practices of, 20, 42; early printings of, 11–12, 16; eclecticism of, 31–32; on eighteen edicts, 277n88; elitism of, 218; esotericism in, 153; ethnocentrism of, 94, 242; "fictitious" baraitot of, 216, 292n10; formation of, 18, 20, 22; gender relations in, 74; gender theory and, 240; Gentile depravity in, 14–15; on Gentiles, 6, 36; on Gentile wine prohibition, 121, 129–38, 141; historic context of, 19; human diversity in, 14; and humanistic scholarship, 237–42; on idolatry, 36, 171, 281n34; inaccessibility of, 31; interpretive tradition for, 19–20; inward focus of, 291n125; Jewish-Gentile interactions in, 36, 74, 78–79, 135; on Jewish superiority, 16; as literature, 3, 8, 17–24, 30, 122, 238–39; manuscript traditions of, 245n23; materiality in, 193; meaning-making in, 35; medieval commentaries on, 245n23; mimesis in, 167; as miscellany, 236; multivocality of, 43, 49–50, 233, 236; narrative of, 30; the nonhuman in, 237; on non-rabbinic Jews, 222; normative power of, 238; objects in, 172, 174; ontology in, 167; organization of, 3; parallelism in, 19; paranomasia in, 19; parody in, 245n22; philological studies of, 238; popular use of, 20; reception history of, 7; redactions of, 18, 21, 235, 246n33; relationship with humanities, 4, 7–8, 17, 31–32, 237–42; relationship with Palestinian Talmud, 22–23, 186, 217, 248n49, 251n24, 260n14, 265nn60–61, 284nn64–65; Renaissance influence on, 7; on representation, 178, 195–202, 287n92; rhetoric of, 246n33; on rule of exposure, 144; secrecy in, 152–53, 240; on snakes, 139; standard editions of, 16; storytelling in, 249n2; synchronic/diachronic analysis of, 18–19; Tractate Taʿanit of, 30; value for general audience, 239; Vilna edition of, 10, 244n7; wine terminology of, 134–35; xenophobia of, 13; on *yeyn nesekh*, 121
Talmud, Palestinian, 2; Adam in, 45–46; Babylonian redactors and, 253n41; on broken idols, 189, 190; on eighteen edicts, 276n76, 277n88; festivals in, 45–46, 251n23; Gentile bestiality in, 260n14; idolatry in, 170, 186; on idols, 281n34; Rabban

Gamli'el in, 206–8, 290n121; relationship of Babylonian Talmud, 22–23, 217, 248n49, 251n24, 260n14, 265nn60–61, 284nn65–65; on Shammaites, 154
talmudic discourse: coherence of, 21–22; intertextual nature of, 49; polyphonous, 23
talmudic editors, Babylonian: on *ʿam ha-ʾaretz*, 216–17; anthropological themes of, 46; engagement with non-Jewish world, 195, 210, 284n64; interventions of, 21–22, 246n33; liberality of, 208; nature of work, 247n37; obfuscation by, 153, 156–60, 162–63, 164; restraint of, 211; use of tannaitic material, 186, 196. *See also* Stammaim
talmudic studies, 2; historiographic, 17–18; literary analyses in, 20
Tannaim (rabbis), 2; on *ʿam ha-ʾaretz*, 215, 216, 217–18; in ʿAvoda Zara, 9; on bestiality, 24; cultural context of, 204; on Gentile cheese, 151–52; on Gentiles, 9, 82, 83; on image-making, 288n102; on Jewish-Gentile interactions, 67; on objects, 176, 240; sectarianism of, 291n6; talmudic editors' use of, 186, 196; on Temple law, 248n51; on worship, 195
teruma (sacred offerings), 141; laws of, 144–45, 274n56
Theseus's ship, paradox of, 191–92
Torah: in ʿAvoda Zara, 40, 241; elevation of Jews, 117; fence around, 131; on image-making, 197; on Jewish difference, 117, 129; Jewish-Gentile boundaries and, 112; offenses to, 54–56; people of, 219, 224, 226, 227, 241; as principle of segregation, 241; in Rabbi Ḥanina ben Traydon's story, 54–56, 69–70, 241, 253n42; submission to, 235, 241; women's relationship to, 112
Tosafot: on Gentile wine, 273n51; Rabenu Tam in, 260
Tosefta: chapter divisions of, 279n1; on Golden Calf, 154; on Shammaites, 154, 155; wine in, 279n1; on *ʿam ha-ʾaretz*, 215
tractates, talmudic, 2; as unit of analysis, 246n36
transcendence, human: in ʿAvoda Zara, 37, 60, 70
tzlamim, 187; connotations of, 284n58. *See also* images

Urbach, E. E., 281n32
utensils, purifying of, 227

venom: detection of, 147; Gentile resistance to, 275n61; Gentiles as, 148. *See also* snakes
Vidas, Moulie, 22, 235, 245n22, 246n33
violence: bestiality and, 112–13; against Jews, 8
vulnerability, Jewish, 163; animal thinking on, 75, 76, 77; to Gentiles, 82; to illicit desire, 159

Waal, Frans de: on anthropodenial, 117
Wald, Stephen G., 216–17, 218, 292n13
Wasserstein, Avraham, 290n114
water: from pagan homes, 145; polluted, 109, 110, 266n74. *See also* drink
Weiss, Avraham, 246n31, 249n4
widows, Jewish: bestiality of, 85, 88–89, 110; drinking water of, 109, 110; and Gentiles, 105, 109–11; Jewish-Gentile interactions and, 105–6; liminal status of, 118–19; and pagans, 109–10; rabbis', 107, 111; religious behavior of, 112; sexual proclivities of, 105. *See also* women, Jewish
Wimpfheimer, Barry, 249n2, 252n25, 272n40, 294n38; on Talmud multivocality, 236
wine: centrality to Jewish ritual, 123–24; erotic desire and, 128; Gentile contact with, 142, 143, 293n24; as metaphor for community, 148; as metaphor for Scripture, 276n72; metaphors of containment for, 122; mixed by non-Jews, 220, 222; protection from Gentiles, 225; as teruma offering, 141. *See also* Gentile wine; *yeyn nesekh*
wine, boiled, 140, 275n62; rule of exposure on, 141–43
wine, diluted, 140; exposure to snakes, 142–44, 145, 146, 275n62; rule of exposure on, 141–43
Wissenschaft des Judentums movement, 17
wives, Jewish: husbands' mediation of, 112; husbands' rule over, 110; liminal status of, 118; rabbis', 107, 111; religious behavior of, 112
Wolfson, Elliot, 236

women: animal nature of, 75, 91, 113–14; wicked race of, 261n28
women, Gentile: bestiality of, 84–89, 94, 98; impurity of, 154–56; intermarriage with, 155–59, 277n89; menstrual impurity of, 155; romantic entanglements with, 274n51
women, Jewish: as animals, 75, 91, 113–14; association with Eve, 110; bestiality of, 75, 77, 85, 88, 93, 95, 96, 98, 100, 106; commonality with Gentiles, 114, 118; liminal status of, 8, 104–5, 118; ownership of slaves, 96, 261n24; rabbis' wives, 107, 111; relationship to Sinai covenant, 105–12, 263n48; relationship to Torah, 112; rules for conception, 220, 221, 224, 292n20; trustworthiness of, 110–11; virtue of, 86. *See also* widows
Wood, Michael, 238–39
worship: improper, 178; origins of, 44; Tannaim on, 195

Yadin, Azzan, 205
Yaʿakov (min), 270n26; healing by, 130, 271n27
Yehoshuʿa, Rabbi (Tanna): dialogue with Rabbi Yishmaʿel, 124–29, 138, 149–52, 153, 160, 276n72; and prohibition on Gentile cheese, 125–26, 130; and secrecy, 149–52; on Song of Songs, 127–28, 150–51
Yehuda, Mar (stock character): as exilarch, 294n30; Jewish identity of, 227–30
Yehuda Ha-Nasi, Rabbi: commenting on stories of deaths, 50–51, 53, 57, 61; friendship with ʾAntoninus, 232
Yerushalmi. *See* Talmud, Palestinian
yeyn nesekh (libation wine), 34, 260n23; idolatrous libations with, 120–21, 127, 134, 136–37, 138, 273n50; Jewish difference and, 164; and Jewish identity, 164; laws of, 164, 274n56; and laws of purity, 219–20, 225; Mishna on, 141; rule of, 140–41; snake exposure and, 144–45; Talmud on, 273n51. *See also* Gentile wine; wine
Yishmaʿel, Rabbi (Tanna): and Ben Dama's snakebite, 130–34, 135, 138; dialogue with Rabbi Yehoshuʿa, 124–29, 138, 149–52, 153, 160, 276n72; on idolatry, 283n53; and prohibition on Gentile cheese, 125–26, 130; on rabbinic authority, 134; and rabbinic Jewish identity, 133; and secrecy, 149–52; on Song of Songs, 127–28, 150–51
Yitzḥak, Rav (Babylonian Amora): concealment strategy of, 160, 161–62; on eighteen edicts, 161; integrity of tradition, 278n103; on rabbinic prohibitions, 156–57, 278n98; Rashi's explication of, 159–60, 278n106; on sexual transgression, 157–58
Yoḥanan, Rabbi (Palestinian Amora), 93; on bestiality, 88, 89, 102, 103, 259n13, 261n27; on broken idols, 192, 284n60; on children of non-Jews, 292n20; on circumcision, 106, 221, 293n21; dialogue with Resh Lakish, 187–92, 284n60, 285n65; on Jewish identity, 224; on non-rabbinic Jews, 220–21, 222–23
Yosef, Rav (Babylonian Amora): on bestiality, 85–86, 95, 96, 98; on rule of exposure, 141–42; on slave ownership, 261n24; on widows, 105, 110
Yosi ben Kisma, Rabbi (Tanna), 52-53, 54

Zellentin, Holger, 63, 245n22
Zohar, Noam, 123–24, 269nn5,10, 270n23; on foreign deities, 178
Zoroastrianism: Babylonian Talmud and, 246n33; intellectual disputes of, 286n75; rabbis and, 285n75
Zussman, Yaakov, 248n45

This page intentionally left blank

ACKNOWLEDGMENTS

I first encountered some of the texts I treat in this book when they literally landed on my doorstep. I was a newly ordained rabbi serving a congregation in Bloomington, Indiana, and a white supremacist group arrived in town and blanketed my neighborhood in hate literature. The antisemitic tract that was thrown on my lawn traced the misanthropy of the Jews back to the Talmud and quoted long passages in which rabbis heaped scorn on non-Jews. Though the quotations were far from accurate, they were not total fabrications. What was missing, however, was context. My interest in Tractate ʿAvoda Zara began with an effort to investigate the immediate context for these quotations, and over the course of my research my sense of relevant context expanded to include a consideration of the tractate as a whole, as well as the long history of its reception among Jews and Christians. I remain grateful to Beth Shalom in Bloomington, a community of learners and activists who taught me so much about the joys and pains of being human.

I thank Barry Wimpfheimer and the anonymous reader for the press for their generous, engaged, and constructive readings of my manuscript; their suggestions made this book much better. My thanks to Jerry Singerman, Senior Humanities Editor at the University of Pennsylvania Press for ushering me through the publication process and for suggesting the book's title. Erica Ginsburg, Associate Managing Editor, offered helpful guidance, and Eric Schramm attended to the details with diligence.

Thanks also go to Annette Yoshiko Reed for the opportunity to present material from Chapter 1 to the religious studies colloquium at Penn, and to Galit Hasan-Rokem for the opportunity to present at a "shadow" seminar at the Katz Center for Advanced Judaic Studies.

I was able to make final revisions to this book with the support of a summer research grant from the Reconstructionist Rabbinical College. I thank Elsie Stern, Vice President for Academic Affairs, and all my colleagues at RRC for their encouragement.

I am grateful to many people at UC Berkeley and the Graduate Theological Union for their generous guidance and instruction and for their examples of engaged scholarship. In establishing an institute for the study of Jewish law at Berkeley, Kenneth Bamberger created a context for exciting intellectual exchange on issues of direct relevance to my project. Naomi Seidman generously gave time and attention to my ideas and my writing, offering the perfect mix of challenge and encouragement. My early drafts benefited immeasurably from Chana Kronfeld's careful reading, and this book is my best effort to respond to her invitation to create a two-way conversation between theory and the Talmud. Finally, I thank Daniel Boyarin. I was an avid reader of his work long before I had the delight of becoming his student, and he remains my mentor. It is an honor that this book is part of the series that he coedits.

Marina Zilbergerts Bitzan and Rabbi Ilana Goldhaber-Gordon each agreed to devote cherished *ḥevruta* time to some of the grisliest texts I treat in this book. Shana Sippy was as constant a friend and as vibrant a conversation partner as when we were roommates at Barnard. My parents, Judy and Rabbi David (z"l) Wortman, Howard and Ricki Wasserman, and Donna (z"l) and Jerry Weitzman, as well as my siblings, nieces, and nephews, offered loving encouragement.

My husband, Steve Weitzman, is my partner in life and learning. He supported this book with great enthusiasm. This book is dedicated to our children; once our joint project, now each is a wondrous world unto himself. It is a joy to share my life with these terrific human beings.